FEDERAL REGISTER

VOLUME 13 NUMBER 173

Washington, Friday, September 3, 1948

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9994

AMENDMENT OF EXECUTIVE ORDER NO. 9952 OF APRIL 22, 1948, PROVIDING FOR THE TERMINATION OF REEMPLOYMENT RIGHTS OF FEDERAL CIVILIAN EMPLOYEES WHO TRANSFERRED TO PUBLIC OR PRIVATE AGENCIES FOR NATIONAL-DEFENSE OR WAR WORK

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403) and by section 1753 of the Revised Statutes of the United States, section 1 of Executive Order No. 9952 of April 22, 1948, providing for the termination of reemployment rights of Federal civilian employees who transferred to public or private agencies for national-defense or war work, is hereby amended to read as follows:

1. All existing reemployment rights to positions in the Federal service acquired under authority of Executive Order No. 8973 of December 12, 1941, Executive Order No. 9067 of February 20, 1942, or Directive No. X as amended by Directive No. XVI of the War Manpower Commission (7 F. R. 7298, 11050) or under regulations of the Civil Service Commission issued pursuant thereto, shall expire on October 22, 1948, unless application for reemployment under such rights shall have been made before that date: *Provided,* that nothing in this order shall prevent the exercise of such reemployment rights on or after October 22, 1948, (a) by any employee who on that date is serving in a Federal agency which on that date is being liquidated or is required by statute to be liquidated; or (b) by any person upon separation from the armed forces or release from the merchant marine if at the time of his entry into the armed forces or merchant marine he would have acquired restoration rights had he entered such service from the agency from which he originally transferred: *And Provided further* that any person who subsequent to October 22, 1948, takes any action which results in the extension of his period of service in the armed forces or merchant marine may not exercise such reemployment rights upon separation or release therefrom.

HARRY S. TRUMAN

THE WHITE HOUSE,
September 1, 1948.

[F. R. Doc. 48-7984; Filed, Sept. 1, 1948; 4:00 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

LISTS OF POSITIONS EXCEPTED

Under authority of § 6.1 (a) of Executive Order No. 9830, and at the request of the Acting Administrator of the Federal Security Agency, the Commission has determined that professional and consultative positions, not to exceed ten, in the Children's Bureau, which are required to be filled in conection with the 1950 White House Conference on Children and Youth, should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, § 6.4 (a) (19) is amended as follows:

§ 6.4 *Lists of positions excepted from the competitive service*—(a) *Schedule A* * * *

(19) *Federal Security Agency* * * *

(xvii) Children's Bureau: NC/PD. Ten professional and consultative positions required in connection with the 1950 White House Conference on Children and Youth. Employment under this subdivision shall not extend beyond June 30, 1951.

(Sec. 6.1 (a) E. O. 9830, 12 F. R. 1259)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 48-7913; Filed, Sept. 2, 1948; 8:48 a. m.]

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FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers' Home Administration, Department of Agriculture

Subchapter A—Administration

PART 300—GENERAL

GENERAL DELEGATION OF AUTHORITY TO STATE DIRECTORS: RATIFICATION OF CERTAIN INSTRUMENTS

Part 300, "General" in Chapter III of Title 6, Code of Federal Regulations (6 CFR, Cum. Supp., Chapter III, Subchapter A) is amended by revoking § 300.13 and by revising § 300.12 to read as follows:

§ 300.12 *General delegation of authority to State Directors: ratification of certain instruments.* (a) Each State Director of the Farmers Home Administration is hereby authorized, within the area of his jurisdiction, on behalf of the United States of America and the Secretary of Agriculture:

(1) To approve loans, and make commitments to and insure mortgages, incident to the programs of the Farmers Home Administration, including, but not limited to, the approval of options, the approval of the assignment, and the designation of assignees, of options; the approval and acceptance of security, including determinations that outstanding interests in security property are not objectionable and the obtaining of severance and subordination agreements; the endorsement of bonds and notes in connection with the insurance of mortgages; and the execution of necessary documents.

(2) To do and perform all acts necessary for the servicing, reviewing, collection, and enforcement of payment of indebtedness, now or hereafter administered or serviced by the Farmers Home Administration, including indebtedness contracted through the Resettlement Administration, the Farm Security Administration, the Emergency Crop and Feed Loan Offices of the Farm Credit Administration, State rural rehabilitation corporations, defense relocation corporations, land leasing and purchasing associations, and other similar associations, corporations, and agencies. This authority shall include, but shall not be limited to, the cancellation, compromise, liquidation, and adjustment of indebtedness, including the modification of contracts and other instruments; authority to require further security; authority to declare entire indebtedness due and payable; the administrative determinations preparatory to initiation of foreclosure proceedings; the appointment and designation of substitute trustees in deeds of trust and representatives of the United States and the Secretary of Agriculture to foreclose under the power of sale in real estate mortgages; the designation of persons to bid at foreclosure sales on behalf of the United States and the Secretary of Agriculture; taking possession of, and the acquisition of, real and personal property; the approval of the transfer to third persons of security property; the repair, maintenance, and operation of security property, including the granting of leases and the execution of caretaker agreements; the execution and filing of proofs of claim; the execution and delivery of, or consent to, suspensions and releases of assignments of income from mortgaged property, partial and full releases of security, waivers of liens, subordination agreements, satisfactions, and other documents; consent to the assignment, partial or full release, or satisfaction of insured mortgages; authority to enter into agreements to purchase nondelinquent insured mortgages; and the issuance, publication, and service of notices and other instruments.

(3) To lease, sell or otherwise dispose of real and personal property now held or hereafter acquired by the Farmers Home Administration, including the granting of Revocable Licenses covering rights-of-way which are determined by the State Director to be of benefit to the public in general or to the Government. Incident to this authority, the State Director is authorized to make determinations required or authorized by law and to execute and deliver contracts, leases, deeds and other instruments.

(4) To execute certificates of satisfaction and proof of loss on insurance contracts.

(5) To file and record instruments.

(6) To do and perform all other acts necessary for the proper administration of the programs of the Farmers Home Administration.

(b) All acts hereby authorized to be performed by a State Director shall be performed in accordance with the provisions of applicable laws.

(c) In the absence of the State Director, the authority hereby delegated to him may be exercised by the Acting State Director.

(d) All deeds, releases, subordination agreements, and other instruments affecting title to real property heretofore executed by officials or employees of the Farmers Home Administration, or the Farm Security Administration or the Resettlement Administration, incident to the administration of programs now under the jurisdiction of said Farmers Home Administration are hereby confirmed and approved. The acceptance and approval of conveyances of real property on behalf of the United States by such officials and employees likewise are approved.

(e) This section shall not be construed to revoke or modify any delegation of authority to the Administrator or Acting Administrator of the Farmers Home Administration or any redelegation of authority, instruction, procedure, or regulation heretofore issued, and every such delegation, redelegation, instruction, procedure, or regulation is hereby continued in full force and effect, unless otherwise revoked or modified. (R. S. 161, 50 Stat. 869, sec. 7, 54 Stat. 1124, 50 Stat. 522, 60 Stat. 1062, Pub. Law 249, 80th Cong. (61 Stat. 493) Pub. Law 720, 80th Cong. (62 Stat. 534), 58 Stat. 836, 60 Stat. 711, Pub. Law 785, 80th Cong. (62 Stat. 1027) 5 U. S. C. 22, 16 U. S. C. 590r et seq., 16 U. S. C. 590z–5, 7 U. S. C. 1000 et seq., 12 U. S. C. 1150 et seq., 40 U. S. C. 436 et seq., Order, Secretary of Agriculture, Oct. 14, 1946, 11 F. R. 12520, Order, Acting Secretary of Agriculture, Oct. 30, 1947, 12 F. R. 7137, Order, Secretary of Agriculture, July 9, 1948, 13 F. R. 4147)

August 20, 1948.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: August 31, 1948.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-7695; Filed, Sept. 2, 1948; 8:55 a. m.]

PART 320—METHOD OF REDELEGATION OF AUTHORITY

DELEGATION OF AUTHORITY

Section 320.1, *Delegation of authority* in Chapter III of Title 6, Code of Federal Regulations (6 CFR, 1944 Supp., Chapter III, Subchapter A), is amended to read as follows:

§ 320.1 *Delegation of authority*—(a) *General.* A statement in a Farmers Home Administration procedural issuance directing or permitting an employee, referred to by functional title, to perform an act will constitute authority for the employee to perform the act.

(b) *Limitations on authority of delegates.* Any authority delegated or redelegated to an employee will be exercised subject to, and in full compliance with, (1) the limitations, conditions, and

requirements of the instrument by which the authority is delegated or redelegated, and (2) such direction and supervision as may be consistent therewith.

(c) *Responsibility of delegating officials.* Delegating officials retain full responsibility for supervising and directing subordinates (and have the right to review the actions of such subordinates) in the exercise of delegated authorities.

(d) *Authority of supervisors.* All Farmers Home Administration employees are automatically delegated the same authority as is delegated to their respective subordinates, and are responsible for supervising such subordinates in the proper exercise of such authorities, except:

(1) When authority is delegated directly to such subordinates by authorized Governmental officials outside the Farmers Home Administration.

(2) When acts must be performed by certain officials or employees under applicable laws and departmental regulations.

(3) When fiscal transactions and instruments are required by applicable laws, rules and regulations to be approved by immediate supervisors or other specific officials. (R. S. 161, 5 U. S. C. 22; Order, Secretary of Agriculture, Oct. 14, 1946, 11 F. R. 12520; Order, Acting Secretary of Agriculture, Oct. 30, 1947, 12 F. R. 7137; Order, Secretary of Agriculture, July 9, 1948, 13 F R. 4147)

[SEAL] DILLARD B. LASSETER,
Administrator
Farmers Home Administration.

AUGUST 18, 1948.

Approved: August 31, 1948.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-7893; Filed, Sept. 2, 1948; 8:55 a. m.]

PART 320—METHOD OF REDELEGATION OF AUTHORITY

DESIGNATION OF ACTING OFFICIALS

Section 320.2, *Designation of Acting Regional Directors* in Chapter III of Title 6, Code of Federal Regulations (6 CFR, 1944 Supp., Chapter III, Subchapter A) is amended to read as follows:

§ 320.2 *Designation of acting officials*—(a) *General.* Officials of the Farmers Home Administration listed in paragraph (b) of this section are authorized to designate subordinate employees to serve in an acting capacity in the positions of such officials and positions under the supervision of such officials when the regular incumbents thereof are temporarily absent from duty or from their normal headquarters, provided: (1) the employees so designated are qualified and, if performance of such duties require bonding, are properly bonded, and (2) the duration of the absence and the nature of the duties to be performed during such absence will warrant the designation.

(b) *Authorities.* The following officials are authorized to designate acting officials for positions as indicated:

(1) *National Office.* (i) The Administrator will designate the Acting Administrator, and acting officials for any other position on his immediate staff.

(ii) The head of each National Office division is authorized to designate an acting division head and acting officials for any other position within his division.

(2) *Area Finance Offices.* (i) The Area Finance Manager is authorized to designate an Acting Area Finance Manager, acting chiefs of the Fiscal and Administrative Services divisions of the Area Finance Office, and acting officials for any other position on the immediate staff of the Area Finance Manager.

(ii) The chiefs of the Fiscal and Administrative Services divisions in the Area Finance Office are authorized to designate acting officials for any subordinate position in their respective divisions.

(3) *Field offices of the Examination Division.* (i) The Chief of the Examination Division in the National Office is authorized to designate Acting Area and Acting Resident Examination Officers of the Examination Division.

(ii) Except for the positions designated in paragraph (b) (3) (i) of this section, the Area and Resident Examination Officers are authorized to designate an acting official for any position connected with the respective Area or Resident Examination Offices.

(4) *State offices.* The State Director is authorized to designate an Acting State Director, and acting officials for any other position under his jurisdiction.

(c) *Authority of acting officials*—(1) *Extent of authority.* The employee designated to act in a position will have all rights, privileges, duties, and powers delegated to the position of the regular incumbent, including the authority to execute documents incident thereto. This will not include authorities delegated or redelegated to the regular incumbent of the position by special delegation or redelegation (delegations to individuals by name)

(2) *Signature of acting official.* Documents executed by acting officials in their acting capacity will be signed in their own names, using their temporary titles; for example, "Acting State Director" or "Acting County Supervisor" (R. S. 161, 5 U. S. C. 22; Order, Secretary of Agriculture, Oct. 14, 1946, 11 F R. 12520; Order, Acting Secretary of Agriculture, Oct. 30, 1947, 12 F. R. 7137; Order, Secretary of Agriculture, July 9, 1948, 13 F R. 4147)

[SEAL] DILLARD B. LASSETER,
Administrator
Farmers Home Administration.

AUGUST 18, 1948.

Approved: August 31, 1948.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-7894; Filed, Sept. 2, 1948; 8:55 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 303—COOPERATIVE SUPPRESSION OF PLANT DISEASES AND INSECT PESTS

SUBPART—GOLDEN NEMATODE SUPPRESSIVE PROGRAM, 1948 SEASON

Pursuant to the authority vested by section 6 of the Golden Nematode Act (Public Law 645, 80th Congress, approved June 15, 1948) and having determined that the State of New York, through legislation, appropriations, and quarantine regulations has taken action and provided funds and means to carry out effectively a cooperative program to suppress, control, and prevent the spread of the known infestation of the golden nematode in accord with the other provisions of the Golden Nematode Act, the Secretary of Agriculture of the United States and the Commissioner of Agriculture and Markets of the State of New York have cooperatively determined that the following procedures and rates shall be used in compensating growers in the portion of Long Island, New York, where the golden nematode is known to occur for carrying out a program for the control and suppression of this nematode during the 1948 season:

Sec.
303.1-1 Compensation only to nongrowers of potatoes.
303.1-2 Compensation to nonowners of land involved.
303.1-3 Compensation to owner-operators.
303.1-4 Agreement and voucher forms.
303.1-5 Agency designated to act for Federal Government.
303.1-6 Agent of Secretary of Agriculture to determine eligibility for payment.

AUTHORITY: §§ 303.1-1 to 303.1-6, inclusive, issued under Act of June 15, 1948, Public Law 645; 80th Congress.

§ 303.1-1 *Compensation only to nongrowers of potatoes.* Compensation will be paid only to those growers who refrained from planting potatoes on land infested or exposed to infestation by the golden nematode, and who grew on such lands only such crops as were approved by the Department of Agriculture and Markets of the State of New York.

§ 303.1-2 *Compensation to nonowners of land involved.* The State of New York, through its Commissioner of Agriculture and Markets, will assume full responsibility of and make the entire compensation payments to growers who refrained from planting potatoes on land which was infested or exposed to infestation by the golden nematode and which was not owned by such growers.

§ 303.1-3 *Compensation to owner-operators*—(a) *Apportionment of losses.* Losses to owner-operators of lands infested by or exposed to the golden nematode who refrained from growing potatoes shall be borne by the United States Department of Agriculture, the Department of Agriculture and Markets of the State of New York, and the owner-operator.

(b) *Joint payments by Federal and State governments.* The full and uniform amount to be paid jointly by the United States Department of Agriculture and the Department of Agriculture and Markets of the State of New York to each owner-operator of lands infested by or exposed to the golden nematode shall be at the rate of $150 per acre, divided equally between the two named agencies. The payment of $150 will be made only to owners who have complied in good faith with all regulations concerning the golden nematode promulgated by the United States Department of Agriculture and the Department of Agriculture and Markets of the State of New York.

(c) *Computation of payments.* It has been determined that, based on (1) the estimated value of crops that were approved by the Department of Agriculture and Markets of the State of New York for production on lands infested by the golden nematode, (2) an analysis of the average cost of producing potatoes in Nassau County, Long Island, New York, (3) the average annual yield of potatoes in said Nassau County, and (4) the estimated sale value of potatoes in that area, the joint compensation of $150 per acre will not be more than two thirds of the total loss accruing to the owner-operator.

§ 303.1–4 *Agreement and voucher forms.* As a condition of payment each owner-operator shall enter into an agreement with the Department of Agriculture and Markets of the State of New York, which shall be executed at least in duplicate. One fully executed copy of the agreement and a certificate by a responsible officer of the Department of Agriculture and Markets of the State of New York, both of which shall be substantially in the form appended hereto, shall be attached to and made a part of each voucher (Standard Form 1034) executed by a grower seeking to receive compensation from the United States Department of Agriculture. The purpose of the voucher shall be stated substantially as follows:

One-half of compensation for refraining from planting potatoes on ---------- acres of land infested by or exposed to the golden nematode.

§ 303.1–5 *Agency designated to act for Federal Government.* The Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture is hereby authorized to carry out, on behalf of the Federal Government, the cooperative program to suppress, control, and prevent the spread of the golden nematode.

§ 303.1–6 *Agent of Secretary of Agriculture to determine eligibility for payment.* Ralph A. Sheals, in Field Charge, Golden Nematode Project, Hicksville, Long Island, New York, working under the direction of the Chief of the Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture, is hereby designated as the authorized agent of the Secretary of Agriculture in determining eligibility for compensation under the regulations in this subpart and approving the amount of compensation to be provided by the United States Department of Agriculture to any owner-operator who refrained from planting potatoes during 1948.

The Golden Nematode Act was not approved until June 15, 1948, at which time potato-growing operations were already well under way. Therefore, in order to be of value to the program for suppressing, controlling, and preventing the spread of the golden nematode for the 1948 season, it is necessary that these regulations be made effective at once. Compliance with the provisions of the regulations is not obligatory, but confers a benefit upon eligible growers. For the reasons stated, it is found upon good cause, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238) that notice and public procedure on these regulations are unnecessary, impractical, and contrary to the public interest and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done in the District of Columbia this 31st day of August 1948.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Concurred with: August 31, 1948.

C. CHESTER DUMOND,
Commissioner of Agriculture and Markets, State of New York.

Contract No. --

APPENDIX—AGREEMENT FOR THE CONTROL AND PREVENTION OF THE GOLDEN NEMATODE DISEASE OF POTATOES (HETERODERA ROSTOCHIENSIS)

This agreement, made this ------ day of ----------, 1948, by and between The People of the State of New York, acting by and through C. Chester Du Mond, Commissioner of Agriculture and Markets of the State of New York, party of the first part, hereinafter called the "State" and ----------, of the Town of ----------, County of ----------, State of New York, and whose P. O. address is ----------, party of the second part, hereinafter called the Owner.

Witnesseth:

Whereas, it is desired to control and prevent the spread of the golden nematode disease of potatoes (Heterodera rostochiensis), and

Whereas, the Commissioner of Agriculture and Markets has determined that the lands hereinafter described are owned by the party of the second part, and

Whereas, the Commissioner of Agriculture and Markets has determined the said lands to be dangerously exposed to infection or infestation by such nematode disease, and

Whereas, it is the desire of both parties that such lands shall receive appropriate treatment designed to purify them and suppress such disease.

Now, Therefore, pursuant to the authority of Chapter 663 of the Laws of 1947, and Article 14 of the Agriculture and Markets Law of the State of New York, and in further consideration of the premises and the mutual covenants of the parties hereto, it is mutually agreed as follows:

1. Upon full compliance by the owner with all of the terms, conditions and covenants to be by him performed as herein provided, the State shall pay to the owner compensation therefor, at the rate of Seventy-five Dollars per acre for the lands hereinafter described, amounting in the aggregate to the sum of ---------- Dollars ($--------).

(NOTE: It is contemplated that the compensation for the 1948 season will be divided equally between the State of New York and the Federal Government through the United States Department of Agriculture. This agreement as to amount of compensation deals only with the payment by the State of New York. Contingent on approval by the Secretary of Agriculture and availability of funds, the owner will receive an equal amount from the Federal Government.)

2. That the owner shall submit such lands to the full control and direction of the State and more particularly the Department of Agriculture and Markets of the State of New York, its agents, employees, and any person or agency to be designated by it, for the purpose of carrying out the program for the control and suppression of the golden nematode disease of potatoes during the growing year of 1948.

3. That such lands shall not be used for the growing of potatoes during the ensuing growing season.

4. That the owner shall during such season grow on said lands only such crops as shall be first approved by the Department of Agriculture and Markets of the State of New York.

5. That the owner shall cooperate at all times and in all respects as directed by the Department of Agriculture and Markets of the State of New York, its agents, employees, and any other person or agency duly designated by it in the program to be initiated and carried out for the control and suppression of golden nematode disease of potatoes during the life of this contract.

6. It is mutually understood and agreed that no liability arising out of the program for control authorized by this agreement shall accrue against the State, or the Commissioner of Agriculture and Markets, or any person designated by him to carry out the program, or any agency cooperating in the carrying out of this program, except for the payment of the compensation above provided.

7. It is mutually understood and agreed that this contract shall be deemed executory only to the extent of the moneys appropriated and available therefor.

8. This agreement shall bind the executors, administrators, trustees, distributees, successors and assigns of the owner.

9. It is mutually understood and agreed that the lands subject to the provisions and conditions of this agreement are more particularly described as follows, and the party of the second part hereto expressly represents, warrants and declares he is the owner therof:

All that certain parcel and acreage of lands situate in the Town of ----------, County of Nassau, State of New York, described upon the assessment rolls of Nassau County, as follows:

Section	*Block*	*Lot*	*Acres*
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In witness whereof, the parties hereto have caused this agreement to be executed the day and year first above written, in counterparts.

THE PEOPLE OF THE STATE OF NEW YORK,

Commissioner of Agriculture and Markets of the State of New York

---

Owner

Witness:

ALBANY, NEW YORK,
----------, 1948.

I, C. CHESTER DU MOND, Commissioner of Agriculture and Markets of the State of New York, do hereby certify that the party of the second part named in the within instrument has fully complied with all the terms, conditions and covenants to be by him performed as in the within instrument provided; that the acreage subject to compensation as above provided for is true and accurate; that said party of the second part is thereby entitled to the sum of Seventy-five Dollars per acre for ---------- acres, making in all the sum of $--------, no part of which has been paid, and payment of said sum of $--------, is hereby approved and allowed.

Commissioner of Agriculture and Markets of the State of New York.

[F. R. Doc. 48-7892; Filed, Sept. 2, 1948; 8:55 a. m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 415—FLAX CROP INSURANCE

SUBPART—REGULATIONS FOR CONTINUOUS CONTRACTS FOR THE 1949 AND SUCCEEDING CROP YEARS

The Federal Crop Insurance Program is part of the general program of the United States Department of Agriculture administered for the benefit of agriculture.

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, as amended, these regulations are hereby published and prescribed to be in force and effect with respect to continuous and succeeding crop years, until amended or superseded by regulations hereafter made.

To the extent stated in § 415.15 the provisions of this subpart supersede the Flax Crop Insurance Regulations for Continuous Contracts Covering 1948 and Succeeding Crop Years (Yield Insurance) (12 F. R. 8744, 13 F. R. 745, 1331)

Sec.

AUTHORITY: §§ 415.1 to 415.16, inclusive, issued under secs. 506 (e), 507 (c), 508, 509, and 516 (b), 52 Stat. 73-75, 77, 61 Stat. 718; 7 U. S. C. 1506 (e), 1507 (c), 1508, 1509, 1516 (b).

§ 415.1 *Availability of flax crop insurance.* (a) Flax crop insurance under continuous contracts for the 1949 and succeeding crop years will be provided only in accordance with this subpart in the following counties:

Iowa:	Minnesota—Con.
Osceola.	Traverse.
Kansas:	Wilkin.
Allen.	Montana:
Anderson.	McCone.
Minnesota:	Sheridan.
Becker.	North Dakota:
Blue Earth.	Barnes.
Brown.	Benson.
Clay.	Cass.
Kandiyohi.	Grand Forks.
Kittson.	La Moure.
Lac Qui Parle.	McLean.
Lincoln	Nelson.
Lyon.	Pembina.
McLeod.	Pierce.
Marshall.	Ramsey.
Martin.	Richland.
Murray.	Steele.
Nobles.	Stutsman.
Norman.	Traill.
Olmsted.	Walsh.
Pennington.	Ward.
Polk.	South Dakota:
Pope.	Codington.
Redwood.	Day.
Roseau.	Roberts.
Swift.	

(b) Insurance will not be provided with respect to applications for flax insurance filed in a county in accordance with this subpart unless such written applications, together with any flax crop insurance contracts in force for the ensuing crop year, cover at least 200 farms in the county or one-third of the farms normally producing flax. For this purpose an insurance unit shall be counted as one farm.

§ 415.2 *Coverages per acre.* The Corporation shall establish coverages per acre by areas which shall not be in excess of the maximum limitations prescribed in the Federal Crop Insurance Act. Coverages so established shall be shown on the county actuarial table and shall be on file in the county office and may be revised from year to year as the Corporation may elect. The coverage per acre for any specific acreage shall be the coverage (for the applicable farming practice, if any) approved by the Corporation for the coverage and rate area in which the acreage is located.

§ 415.3 *Premium rates.* The Corporation shall establish premium rates per acre by areas for all acreage for which coverages are established and such rates shall be those deemed adequate to cover claims for flax crop losses and to provide a reasonable reserve against unforeseen losses. Premium rates so established shall be shown on the county actuarial table and shall be on file in the county office and may be revised from year to year as the Corporation may elect. The premium rate per acre for any specific acreage shall be the premium rate (for the applicable farming practice, if any) approved by the Corporation for the coverage and rate area in which the acreage is located.

§ 415.4 *Application for insurance.* Application for insurance on a form entitled "Application for Flax Crop Insurance" may be made by any person to cover his interest as landlord, owner-operator, or tenant, in a flax crop. For any crop year applications shall be submitted to the county office on or before March 15.

§ 415.5 *The contract.* Upon acceptance of an application for insurance by a duly authorized representative of the Corporation, the contract shall be in effect and will consist of the application and the policy issued by the Corporation.

§ 415.6 *Person to whom indemnity shall be paid.* (a) Any indemnity payable under a contract shall be paid to the insured or such other person as may be entitled to the benefits of the contract under the provisions of this subpart, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof, be a proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree rendered, or entered therein. No officer, agent, or employee of the Corporation shall, because of any such process, order, or decree, pay or cause to be paid to any person other than the insured or other person entitled to the benefits of the contract, any indemnity payable in accordance with the provisions of the contract. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(b) The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which indemnity payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive and payment of an indemnity to such person(s) shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

§ 415.7 *Public notice of indemnities paid.* The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses on farms in such county.

§ 415.8 *Death, incompetence, or disappearance of insured.* (a) If the insured dies, is judicially declared incompetent, or disappears after seeding the flax crop in any year but before the time of loss, and his insured interest in the flax crop is a part of his estate at such time, or if the insured dies, is judicially declared incompetent, or disappears subsequent to such time, the indemnity, if any, shall be paid to the legal representative of his estate, if one is appointed or is duly qualified. If no such representative is or will be so qualified the indemnity shall be paid to the persons beneficially entitled to share in the insured interest in the crop or to any one or more of such persons on behalf of all such persons: *Provided, however,* That

if the indemnity exceeds $500, the Corporation may withhold the payment of the indemnity until a legal representative of the insured's estate is duly qualified to receive such payment.

(b) If the insured dies, is judicially declared incompetent or disappears after the seeding of the flax crop in any year but before the time of loss, and his interest in the crop is not a part of his estate at such time; the indemnity, if any, shall be paid to the person(s) who succeeded to his interest in the crop in the manner provided for in the flax crop insurance policy.

(c) If an applicant for insurance or the insured, as the case may be, dies, is judicially declared incompetent, or disappears less than 15 days before the applicable calendar closing date for the filing of applications for insurance in any year, and before the beginning of seeding of the flax crop in such year, whoever succeeds him on the farm with the right to seed the flax crop as his heir or heirs, administrator, executor, guardian, committee or conservator, shall be substituted for the original applicant or the insured upon filing with the county office before the beginning of seeding, a statement in writing in the form and manner prescribed by the Corporation, requesting such substitution and agreeing to assume the obligations of the original applicant or the insured arising out of such application or the contract: *Provided, however* That any substitution made pursuant to this paragraph shall be effective only with respect to the flax crop to be seeded in the ensuing crop year, and the contract shall terminate at the end of such year. If no such statement is filed, as required by this paragraph, the original application or contract shall be void.

(d) In case of death of the insured after the seeding of flax is begun for any crop year, any additional acreage which is seeded for the insured's estate for that crop year shall be covered by the contract.

(e) Subject to the provisions of paragraph (c) of this section, the contract shall terminate upon death, judicial declaration of incompetence, or disappearance of the insured, except that if such death, judicial declaration of incompetence, or disappearance occurs after the seeding of the flax crop in any crop year but before the end of the insurance period for such year, the contract shall terminate at the end of such insurance period.

(f) The insured shall be deemed to have disappeared within the meaning of this subpart if he fails to file with the county office written notice of his new mailing address within 180 calendar days after any communication by or on behalf of the Corporation is returned undeliverable at the last known address of the insured.

§ 415.9 *Fiduciaries.* Any indemnity payable under a contract entered into in the name of a fiduciary who is no longer acting in such capacity at the time for the payment of indemnity will be made to the succeeding fiduciary upon appropriate application and proof satisfactory to the Corporation of his incumbency. If there is no succeeding fiduciary, payment of the indemnity shall be made to the persons beneficially entitled under this subpart to the insured interest in the crop, to the extent of their respective interests, upon proper application and proof of the facts: *Provided, however* That the settlement may be made with any one or more of the persons in behalf of all the persons so entitled, whether or not the person to whom payment is made has been authorized by the other interested persons to receive such payment.

§ 415.10 *Assignment or transfer of claims for refunds of excess note payments not permitted.* No claim for a refund of an excess note payment or any part thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the contract or any transfer of interest in any flax crop covered by the contract. Refund of any excess note payment will be made only to the person who made such payment, except as provided in § 415.11.

§ 415.11 *Refund of excess note payment in case of death, incompetence, or disappearance.* In any case where a person who is entitled to a refund of an excess note payment has died, has been judicially declared incompetent, or has disappeared, the provisions of § 415.8 with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

§ 415.12 *Creditors.* An interest (including an involuntary transfer) in an insured flax crop because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process shall not entitle any holder of any such interest to any benefits under the contract.

§ 415.13 *Partial insurance protection.* (a) An applicant may elect to apply for 65 percent of the maximum protection available under the contract. This election may be made only on an application for insurance filed on or before the closing date for filing applications.

(b) The insured may elect, subject to approval by the Corporation, to change from maximum protection to 65 percent of the maximum protection available under the contract, or to change from 65 percent protection to maximum protection. Request for such change shall be made in writing and filed with the Corporation on or before December 31 of any year. Upon approval by the Corporation the change shall become effective beginning with flax seeded for harvest in the next calendar year after the election.

§ 415.14 *Rounding of fractional units.* The premium shall be rounded to the nearest tenth of a bushel and the total coverage to the nearest bushel. Total production shall be rounded to the nearest bushel. Fractions of acres shall be rounded to the nearest tenth of an acre. Computations shall be carried one digit beyond the digit that is to be rounded. If the last digit is 1, 2, 3, or 4, the rounding shall be downward, but if such digit is 5, 6, 7, 8, or 9, the rounding shall be upward.

§ 415.15 *Changes in contracts covering the 1948 and succeeding crop years.* If the insured had a continuous flax crop insurance contract in force for the 1948 and succeeding crop years, and the contract has not been canceled pursuant to § 415.154 of the applicable regulations (12 F. R. 8744, 13 F. R. 745, 1331) the contract for the 1949 and succeeding crop years shall consist of the previously accepted application for insurance and the policy issued in accordance with this subpart.

Notice of changes in 1948 contracts for the 1949 crop year shall be mailed to the insured on or before December 15, 1948.

§ 415.16 *The policy.* The provisions of the policy are as follows:

In consideration of the representations and provisions in the application upon which this policy is issued, which application is made a part of the contract, and subject to the terms and conditions set forth or referred to herein, the Federal Crop Insurance Corporation (hereinafter designated as the Corporation) does hereby insure

Name	Policy
Address	County State

(Hereinafter designated as the insured)

against loss of production on his flax crop while in the field, due to unavoidable causes including drought, flood, hail, wind, frost, winter-kill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease and such other unavoidable causes as may be determined by the Board of Directors of the Corporation. In witness whereof, the Federal Crop Insurance Corporation has caused this policy to be issued this _____ day of _____, 19____.

FEDERAL CROP INSURANCE CORPORATION,

By _____

State Crop Insurance Director.

TERMS AND CONDITIONS

1. *Insured flax.* The flax to be insured shall be flax seeded for harvest as seed but does not include (1) volunteer or self-seeded flax, (2) flax seeded with any other crop except perennial grasses or legumes other than vetch, and (3) flax seeded for purposes other than for harvest as seed.

2. *Insurable acreage.* For each crop year of the contract, any acreage is insurable only if a coverage is shown therefor on the county actuarial table (including maps and related forms) on the closing date for filing applications for that crop year, and the farming practice followed on such acreage is one for which a coverage was established.

3. *Responsibility of insured to report acreage and interest.* (a) Promptly after seeding flax each year, the insured shall submit to the Corporation, on a form entitled "Flax Crop Insurance Acreage Report," a report over his signature of all acreage in the county seeded to flax in which he has an interest at the time of seeding. This report shall show the acreage of flax for each insurance unit and his interest in each at the time of seeding. If the insured does not have an insurable interest in flax seeded in any year, the acreage report shall nevertheless be submitted promptly after the seeding of flax is generally completed in the county. Any acreage report submitted by the insured shall be considered final and not subject to change by the insured.

(b) The Corporation may elect to determine that the insured acreage is "zero" if the insured fails to file an acreage report within 30 days after seeding of flax is generally

completed in the county, as determined by the Corporation.

(c) Failure of the county office to request submission of such report or to send a personal representative to obtain the report shall not relieve the insured of the responsibility to make such report.

4. *Insured acreage.* The insured acreage with respect to each insurance unit shall be the acreage of flax seeded for harvest as seed as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, except that insurance shall not attach with respect to (a) any acreage seeded to flax which is destroyed or substantially destroyed (as defined in section 16) and on which it is practical to reseed to flax, as determined by the Corporation, and such acreage is not reseeded to flax, and (b) any acreage initially seeded to flax too late to expect to produce a normal crop, as determined by the Corporation.

5. *Insured interest.* The insured interest in the flax crop covered by the contract shall be the interest of the insured at the time of seeding as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect. For the purpose of determining the amount of loss the insured interest shall not exceed the insured's actual interest at the time of loss or the beginning of harvest whichever occurs first.

6. *Coverage per acre.* The coverage per acre shall be the applicable number of bushels of flax established for the area in which the insured acreage is located, and shall be shown by practice(s) on the county actuarial table on file in the county office. The coverage per acre is progressive depending upon whether the acreage is (a) released and seeded to a substitute crop, (b) not harvested and not seeded to a substitute crop, or (c) harvested.

7. *Fixed price.* The fixed price per bushel for any crop year shall be the higher of the loan rate per bushel for flax seed or the support price per bushel for flax seed, as established by the U. S. Department of Agriculture for the crop year, with differentials as determined by the Corporation for the location of the insurance unit. However, if neither a loan rate nor a support price per bushel is established by the U. S. Department of Agriculture for any year by January 15 of that year, the fixed price for such year shall be determined by the Corporation. The fixed price is used in determining the cash equivalent of premiums and indemnities. This price shall be on file in the county office.

8. *Insurance period.* Insurance with respect to any insured acreage shall attach at the time the flax is seeded. Insurance shall cease with respect to any portion of the flax crop covered by the contract upon threshing or removal from the field, but in no event shall the insurance remain in effect later than October 31 of each year, unless such time is extended in writing by the Corporation.

9. *Life of contract, cancelation thereof.* (a) Subject to the provisions of paragraph (d) of this section, the contract shall be in effect for the 1949 crop year and shall continue in effect for each succeeding crop year until either party gives to the other party, on or before December 31 of any year, written notice of cancelation effective beginning with flax seeded for harvest in the next calendar year. Any notice of cancelation given by the insured to the Corporation shall be submitted in writing to the county office.

(b) If the insured cancels the contract, he shall not be eligible for crop insurance on flax to be seeded in the county for harvest in the next calendar year unless he subsequently files an application for insurance on or before December 31 preceding such year.

(c) If for two consecutive crop years no flax in which the insured has an insurable interest is seeded in the county, the contract shall terminate.

(d) If the minimum participation requirement as established by the Corporation is not met for any year the contract shall continue in force only to the end of the crop year for which such requirement is not met, except that if the minimum participation requirement is met on or before the next succeeding closing date the contract shall continue to be in force.

10. *Changes in contract.* The Corporation reserves the right to change the premium rate(s), insurance coverage(s) and other terms and provisions of the contract from year to year. Notice of such changes shall be mailed to the insured at least 15 days prior to December 31. Failure of the insured to cancel the contract as provided in section 9 shall constitute his acceptance of any such changes. If no notice is mailed to the insured, the terms and provisions of the contract for the prior year shall continue in force.

11. *Causes of loss not insured against.* The contract shall not cover loss of production caused by: (a) Failure to follow recognized good farming practices; (b) poor farming practices, including but not limited to the use of defective or unadapted seed, failure to plant a sufficient quantity of seed, failure properly to prepare the land for seeding or properly to seed, care for or harvest and thresh the insured crop (including unreasonable delay thereof); (c) following different fertilizer or farming practices than those considered in establishing the coverage per acre; (d) seeding flax on land which is generally not considered capable of producing a flax crop comparable to that produced on the land considered in establishing the coverage per acre; (e) seeding excessive acreage under abnormal conditions; (f) seeding perennial or biennial legumes or perennial grasses with the flax or in the growing flax crop; (g) seeding flax under conditions of immediate hazard; (h) inability to obtain labor, seed, fertilizer, machinery, repairs or insect poison; (i) break-down of machinery, or failure of equipment due to mechanical defects; (j) neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant or wage hand; (k) domestic animals or poultry; or (l) theft.

12. *Partial insurance protection.* If the accepted application provides for partial insurance protection, the premium and any indemnity shall be 65 percent of the amount otherwise computed in accordance with the contract.

13. *Amount of annual premium.* (a) The premium rate per acre will be the applicable number of bushels of flax established by the Corporation for the coverage and rate area in which the insured acreage is located and will be shown by practices on the county actuarial table on file in the county office. The annual premium for each insurance unit under the contract will be based upon (1) the insured acreage of flax, (2) the applicable premium rate(s), (3) the insured interest in the crop at the time of seeding, and (4) the fixed price. There will be a reduction in the annual premium for each insurance unit of one percent in cases where the insured acreage on the insurance unit is as much as 25 acres and does not exceed 74.9 acres, and an additional one percent reduction for each additional 50 acres or fraction thereof on the insurance unit. However, the total reduction shall not exceed 20 percent. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The annual premium with respect to any insured acreage shall be regarded as earned when the flax crop on such acreage is seeded.

14. *Manner of payment of premium.* (a) The applicant executes a premium note by signing the application for flax crop insurance. This note represents a promise to pay to the Corporation annually during the life of the contract, on or before July 31 of each year the premium for all insurance units covered by the contract.

(b) A discount of five percent shall be allowed on any earned annual premium which is paid in full on or before June 30 if the insured has submitted to the Corporation at the county office his flax acreage report promptly after seeding but not later than June 30 of such crop year.

(c) Any premium note not paid at maturity shall bear interest computed not on a per annum basis but as follows: Three percent on the principal amount not paid on or before December 31 following the maturity date, and an additional three percent on the principal amount owing at the end of each six-month period thereafter.

(d) Payment on any annual premium shall be made by means of cash or by check, money order, postal note, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection and payments tendered shall not be regarded as paid unless collection is made.

(e) Any unpaid amount of any annual premium plus any interest due may be deducted (either before or after the date of maturity) from any indemnity payable by the Corporation, from the proceeds of any commodity loan to the insured, and from any payment made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress or program administered by the United States Department of Agriculture. There shall be no refund of any annual premium overpayment of less than $1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

15. *Notice of loss or damage.* (a) Unless otherwise provided by the Corporation, if a loss under the contract is probable, notice in writing shall be given the Corporation at the county office immediately after any material damage to the insured crop. The crop shall not be harvested, removed, or any other use made of it until it has been inspected by the Corporation.

(b) Unless otherwise provided by the Corporation, if, at the completion of threshing of the insured flax crop, a loss under the contract has been sustained, or is probable, notice in writing shall be given immediately to the Corporation at the county office. If such notice is not given within 15 days after threshing is completed, the Corporation reserves the right to reject any claim for indemnity. This notice is in addition to any notice required by paragraph (a) of this section.

16. *Released acreage.* Any insured acreage on which the flax crop has been destroyed or substantially destroyed may be released by the Corporation for planting to a substitute crop or to be put to another use. The flax crop shall be deemed to have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area where the land is located and on whose farms similar damage occurred would not further care for the crop or harvest any portion thereof. No insured acreage may be planted to a substitute crop or put to another use until the Corporation releases such acreage. On any acreage where the flax has been partially destroyed but not released by the Corporation, proper measures shall be taken to protect the crop from further damage. There shall be no abandonment of any crop or portion thereof to the Corporation.

17. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period, unless the entire flax crop on the insurance unit was destroyed or substantially

destroyed earlier, in which event the loss shall be deemed to have occurred on the date of such damage, as determined by the Corporation.

18. *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation a form entitled "Statement in Proof of Loss," containing such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than sixty days after the time of loss, unless the time for submitting the claim is extended in writing by the Corporation. It shall be a condition precedent to any liability under the contract that the insured establish the actual production of flax on the insurance unit, the amount of any loss for which claim is made, and that such loss has been directly caused by one or more of the hazards insured against by the contract during the insurance period for the crop year for which the loss is claimed, and that the insured further establish that the loss has not arisen from or been caused by, either directly or indirectly, any of the causes of loss not insured against by the contract. If a loss is claimed, any flax acreage which is not to be harvested shall be left intact until the Corporation makes an inspection.

19. *Insurance unit.* Losses shall be determined separately for each insurance unit except as provided in section 20 (b). An insurance unit consists of (a) all the insurable acreage of flax in the county in which the insured has 100 percent interest in the crop at the time of seeding, or (b) all the insurable acreage of flax in the county owned by one person which is operated by the insured as a share tenant, or (c) all the insurable acreage of flax in the county which is owned by the insured and is rented to one share tenant at the time of seeding. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee. For any crop year of the contract acreage shall be considered to be located in the county if a coverage is shown therefor on the county actuarial table.

20. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by multiplying the seeded acreage (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre and subtracting therefrom the total production for the seeded acreage and multiplying the remainder by the insured interest. However, if the seeded acreage on the insurance unit exceeds the insured acreage on the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the insured acreage to the seeded acreage, or if the premium computed for the acreage and interest shown on the acreage report is less than the premium computed for the seeded acreage, the amount of loss determined for the seeded acreage may be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the seeded acreage, if the Corporation so elects. The total production for an insurance unit shall include all production determined in accordance with the following schedule:

SCHEDULE

Acreage Classification	*Total Production in Bushels*
1. Acreage on which flax is threshed.	1. Actual production of flax which is threshed.
2. Acreage released by the Corporation and planted to a substitute crop.	2. That portion of the appraised production which is in excess of the coverage.
3. Acreage not harvested and not seeded to a substitute crop.	3. That portion of the appraised production which is in excess of the number of bushels determined by subtracting (i) the coverage for such acreage from (ii) the coverage such acreage would have if it were harvested.
4. Acreage put to another use without being released by the Corporation.	4. Appraised production but not less than the product of (i) such acreage and (ii) the coverage per acre.
5. Acreage with reduced yield due solely to any cause(s) not insured against.	5. Appraised number of bushels by which production has been reduced but not less than the product of (i) such acreage and (ii) the coverage per acre, minus any flax harvested.
6. Acreage with reduced yield due partially to a cause(s) not insured against and partially to a cause(s) insured against.	6. Appraised number of bushels by which production has been reduced because of any cause(s) not insured against.

(b) If the production from two or more insurance units is commingled and the insured fails to establish and maintain records satisfactory to the Corporation of acreage or the production from each, the insurance with respect to such units may be voided by the Corporation for the crop year and the premium forfeited by the insured. However, if all the component parts are insured the total coverage for the component parts may be considered as the total coverage for the combination, if the Corporation so elects, in which case any loss for such combination shall be determined as outlined in paragraph (a) of this section. Where the insured fails to establish and maintain separate records, satisfactory to the Corporation, of uninsured acreage and production therefrom and for one or more insurance units or portions thereof, any production from such acreage which is commingled with production from the insured acreage shall be considered to have been produced on the insured acreage, or the insurance with respect to such unit(s) under the contract may be voided by the Corporation for the crop year and the premium forfeited by the insured.

(c) The cash amount of the indemnity shall be determined by multiplying the amount of the loss in bushels by the fixed price.

21. *Payment of indemnity.* (a) Indemnities shall be paid only by check. The amount of indemnity for which the Corporation may be liable will be payable within thirty days after satisfactory proof of loss is approved by the Corporation, but if payment is delayed for any reason, the Corporation shall not be liable for interest or damages on account of such delay.

(b) Indemnities shall be subject to all provisions of the contract, including the right of the Corporation to deduct from any indemnity the unpaid amount of any earned premium plus any interest due or any other obligation of the insured to the Corporation.

(c) Any indemnity payable under a contract shall be paid to the insured or such other person as may be entitled to the benefits under the provisions of the contract, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy, directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof, be a proper party to any suit or action with reference to such indemnity, nor be bound by any judgment, order, or decree, rendered or entered therein. Nothing herein contained shall excuse any person entitled to the benefits of the contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(d) If a check issued in payment of an indemnity is returned undeliverable at the last known address of the payee, and if such payee or other person entitled to the indemnity makes no claim for payment within two years after the issuance of the check, such claim shall not thereafter be payable, except with the consent of the Corporation.

22. *Payment to transferee.* (a) If the insured transfers all or a part of his insured interest in a flax crop before the beginning of harvest or the time of loss, whichever occurs first, he shall immediately notify the Corporation thereof in writing at the county office. The transferee under such a transfer will be entitled to the benefits of the contract with respect to the interest so transferred, provided the transferee immediately following the transfer makes suitable arrangements with the Corporation for the payment of any premium with respect to the interest so transferred, whereupon the transferee and the transferor shall be jointly and severally liable for the amount of such premium. Any transfer shall be subject to any collateral assignment made by the original insured in accordance with section 26. However, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place.

(b) An involuntary transfer of an insured interest in a flax crop solely because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process shall not entitle any holder of any such interest to any benefits under the contract.

(c) Any deduction to be made from an indemnity payable to the transferee shall not exceed the annual premium plus any interest due on the land involved in the transfer for the crop year in which the transfer is made, plus the unpaid amount of any other obligation of the transferee to the Corporation.

(d) If, as a result of any transfer, diverse interests appear with respect to any insurance unit, any indemnity payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons, and payment in any such manner shall constitute a complete discharge of the Corporation's liability with respect to such unit under the contract.

(e) If a transfer is effected in accordance with paragraph (a) above, the contract of the transferor shall cover the interest so transferred only to the end of the insurance period for the crop year during which the transfer is made.

23. *Determination of person to whom indemnity shall be paid.* In any case where the insured has transferred his interest in all or a part of the flax crop on any insurance unit, or has ceased to act as a fiduciary, or has died, has been judicially declared incompetent or has disappeared, payment in accordance with the provisions of the contract will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s)

to whom such payment will be made shall be final and conclusive. Payment of an indemnity under this section shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

24. *Other insurance.* (a) If the insured has or acquires any other insurance against substantially all the risks that are insured against by the Corporation under the contract, regardless of whether such other insurance is valid or collectible, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer.

(b) In any case where an indemnity is paid to the insured by another Government agency because of damage to the flax crop, the Corporation reserves the right to determine its liability under the contract taking into consideration the amount paid by such other agency.

25. *Subrogation.* The Corporation may require from the insured an assignment of all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

26. *Collateral assignment.* The original insured may assign his right to an indemnity under the contract by executing a form entitled "Collateral Assignment" and upon approval thereof by the Corporation the interest of the assignee will be recognized, including the right of the assignee to submit a "Statement in Proof of Loss" if the insured refuses to submit or disappears without having submitted such statement.

27. *Records and access to farm.* For the purpose of enabling the Corporation to determine any loss that may have occurred under the contract, the insured shall keep, or cause to be kept, for one year after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition, of all flax produced on each insurance unit covered by the contract, and on any uninsured acreage in the county in which he has an interest. Such records shall be made available for examination by the Corporation, and as often as may be reasonably required, any person(s) designated by the Corporation shall have access to the farm(s).

28. *Voidance of contract.* The contract may be voided and the premium forfeited to the Corporation without the Corporation's waiving any right or remedy, including its right to collect the amount of the note executed by the insured, whether before or after maturity, if (a) at any time the insured has concealed any material fact or made any false or fraudulent statements relating to the contract, the subject thereof, or his interest in the flax crop covered thereby, or (b) the insured shall neglect to use all reasonable means to produce, care for or save the flax crop covered thereby, whether before or after damage has occurred, or (c) the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the note, at the time and in the manner prescribed.

29. *Modification of contract.* No notice to any representative of the Corporation or the knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or change in any part of the contract, or to estop the Corporation from asserting any right or power under such contract, nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation, nor shall any provision or condition of the contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding on the part of the Corporation or of its representatives relating to appraisal or to any examination herein provided for.

30. *General.* (a) In addition to the terms and provisions in the application and policy, the Flax Crop Insurance Regulations for Continuous Contracts for the 1949 and Succeeding Crop Years (7 CFR, Part 415) shall govern with respect to (1) death, incompetence, or disappearance of the insured, (2) fiduciaries, (3) prohibition against assignment or transfer of claims for refunds, (4) rounding of fractional units, (5) creditors, (6) minimum participation requirements, and (7) changes from or to partial insurance protection.

(b) Copies of the regulations and forms referred to in this policy are available at the county office.

31. *Meaning of terms.* For the purpose of the flax crop insurance program, the terms:

(a) "Contract" means the accepted application for insurance and this policy.

(b) "County Actuarial Table" means the form and related material (including the crop insurance maps) approved by the Corporation for listing the coverages per acre and the premium rates per acre applicable in the county.

(c) "County office" means the office of the county agricultural conservation association in the county or other office specified by the Corporation.

(d) "Crop year" means the period within which the flax crop is seeded and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested.

(e) "Harvest" means any mechanical severance from the land of matured flax for threshing where the flax crop has not been destroyed or substantially destroyed.

(f) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and, wherever applicable, a state, a political subdivision of a state, or any agency thereof.

(g) "Substitute crop" means any crop, except biennial and perennial legumes and perennial grasses, planted on released acreage before harvest of flax becomes general in the county as determined by the Corporation. Biennial and perennial legumes and perennial grasses seeded with the flax or in the growing flax crop shall not be considered a substitute crop.

(h) "Tenant" means a person who rents land from another person for a share of the flax crop or proceeds therefrom produced on such land.

33. *Maturity date.* For each year of the contract the maturity date for the payment of annual premiums shall be July 31.

NOTE: The record keeping requirements of these regulations have been approved by, and subsequent requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on August 19, 1948.

[SEAL] E. D. BERKAW,
Secretary,
Federal Crop Insurance Corporation.

Approved: August 31, 1948.

CHARLES F BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-7897; Filed, Sept. 2, 1948; 8:56 a. m.]

[Amdt. 1]

PART 418—WHEAT CROP INSURANCE

SUBPART—REGULATIONS FOR CONTINUOUS CONTRACTS COVERING 1949 AND SUCCEEDING CROP YEARS

The Wheat Crop Insurance Regulations for Continuous Contracts covering 1949 and Succeeding Crop Years (13 F R. 2607) are hereby amended as follows:

1. Section 418.156 is amended to read as follows:

§ 418.156 *Reduction of premium based on good experience.* The insured's annual premium may be reduced in any year as follows: (a) not to exceed 50 percent for commodity coverage insurance if it is determined by the Corporation that the accumulated balance, expressed in bushels, of premiums over indemnities on consecutively insured wheat crops exceeds his total coverage (on a harvested acreage basis), or (b) not to exceed 25 percent for monetary coverage insurance if it is determined by the Corporation that the cash equivalent (based on the predetermined price for that crop year) of the accumulated balance, expressed in bushels, of premiums over indemnities on consecutively insured wheat crops exceeds his total coverage (computed on a harvested acreage basis) As used in this section, "consecutively insured crops" means the wheat crops insured in consecutive years (ending with the current crop year) but excluding the 1945 crop if no application for insurance was submitted. Failure to apply for insurance in any year, except 1945, shall render any person ineligible for the benefits of any premium balance accumulated prior to such year if insurance is offered in the county in which such person's farm is located, even though insurance may not be provided in the county during such year because of failure to meet the minimum participation requirement: *Provided, however,* That failure to submit an application for insurance for any year will not render a person ineligible for the benefits of this section, if (1) the failure to submit an application was due to service in the active military or naval service of the United States, or (2) the insured established to the satisfaction of the Corporation, prior to the applicable 1946 maturity date, that failure to submit an application for any crop year prior to 1946 was due to the fact that wheat was not seeded in that year. Nothing in this section shall create in the insured any right to a reduced premium.

2. Section 418.168 is amended by changing section 12 of the Monetary Coverage Policy to read as follows:

12. *Amount of annual premium.* The premium rate per acre will be the applicable number of dollars established by the Corporation for the coverage and rate area in which the insured acreage is located and will be shown by practices on the county actuarial table on file in the county office. The annual premium for each insurance unit under the contract will be based upon (a) the insured acreage of wheat, (b) the applicable premium rate(s) and (c) the insured interest in the crop at the time of

seeding. There will be a reduction in the annual premium for each insurance unit of one percent in cases where the insured acreage on the insurance unit is as much as 25 acres and does not exceed 74.9 acres, and an additional one percent reduction for each additional 50 acres or fraction thereof on the insurance unit. However, the total reduction shall not exceed 20 percent. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The annual premium with respect to any insured acreage shall be regarded as earned when the wheat crop on such acreage is seeded. The insured's annual premium may be reduced in any year not to exceed 25 percent if it is determined by the Corporation that the cash equivalent (based on the predetermined price for that crop year) of the accumulated balance, expressed in bushels, of premiums over indemnities on consecutively insured wheat crops exceeds his total coverage (computed on a harvested acreage basis). Nothing in the preceding sentence shall create in the insured any right to a reduced premium.

(53 Stat. 73-75, 77, 61 Stat. 718; 7 U. S. C., 1506 (e) 1507 (c) 1508, 1509, 1516 (b))

Adopted by the Board of Directors on August 19, 1948.

[SEAL] E. D. BERKAW,
Secretary,
Federal Crop Insurance Corporation.

Approved: August 31, 1948.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-7896; Filed, Sept. 2, 1948; 8:56 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Tokay Grape Order 1]

PART 951—TOKAY GRAPES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 951.302 *Tokay Grape Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 51, as amended (7 CFR, Cum. Supp., 951.1 et seq.) regulating the handling of Tokay grapes grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Tokay grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. 1946 ed. 1001 et seq.) in that the time intervening between the date when information upon which this order is based became available and the time when this order must become effective is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order* (1) During the period beginning at 12:01 a. m., California d. s. t., September 4, 1948, and ending at 12:01 a. m., p. s. t., January 1, 1949, no shipper shall ship:

(i) From the Florin District, any Tokay grapes produced in such district which do not meet the grade and size requirements of U. S. No. 1 Table Grapes, as defined in the United States Standards for Table Grapes (11 F. R. 13568) *Provided,* That, in addition to the tolerances provided for said U. S. No. 1 Table Grapes, there shall be allowed, for each container of Tokay grapes, an aggregate tolerance of ten (10) percent, by weight, for defects not considered serious damage, and for bunches smaller than the minimum size specified for said U. S. No. 1 Table Grapes; or

(ii) From the Lodi District, any Tokay grapes produced in such district which do not meet the grade and size requirements of U. S. No. 1 Table Grapes, as defined in the aforesaid United States Standards.

(2) As used in this section, the terms "shipper," "Florin District," "Lodi District," "district," "size," and "bunches" shall have the same meaning as when used in the amended marketing agreement and order, and the term "serious damage" shall have the same meaning as set forth in the aforesaid United States Standards. (43 Stat. 31, as amended, 7 U. S. C. 601 et seq., 7 CFR, Cum. Supp., 951.1 et seq.)

Done at Washington, D. C., this 31st day of August 1948.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-7890; Filed, Sept. 2, 1948; 8:55 a. m.]

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR-325]

PART 42—NONSCHEDULED AIR CARRIER CERTIFICATION AND OPERATION RULES

TEMPORARY AUTHORIZATION FOR SCHEDULED AIR TRANSPORTATION OF CARGO

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of August 1948.

The present provisions of the Civil Air Regulations require all scheduled air carriers to obtain air carrier operating certificates under the provisions of Parts 40 and 61, or Part 41 of the Civil Air Regulations, and to conduct their operations in accordance with the applicable rules governing scheduled air carrier operations. Special Civil Air Regulation Serial Number SR-317-A permits scheduled noncertificated cargo carriers to conduct their operations in accordance with the provisions of Part 42 of the Civil Air Regulations. Present regulations require nonscheduled air carriers to operate under the provisions of Part 42 of the Civil Air Regulations.

This Special Civil Air Regulation will permit all air carriers which have been authorized by the Board pursuant to Title IV of the act to engage in scheduled interstate, overseas, or foreign air transportation of cargo to conduct cargo-only operations under the provisions of Part 42 of the Civil Air Regulations. This regulation will avoid any economic discrimination between scheduled certificated and noncertificated cargo carriers which may have resulted due to the differences between the requirements of Part 42 and the requirements of Parts 40 and 61 and Part 41 until such time as cargo-only certification and operation rules are promulgated by the Board.

Special Civil Air Regulations Serial Numbers SR-317 and SR-317-A may be rescinded, as this regulation will also permit those air carriers, designated as "noncertificated cargo carriers" and authorized to engage in scheduled air transportation of cargo under the provisions of § 292.5 of the Economic Regulations, to conduct such scheduled air transportation under the air carrier certification and operations rules of Part 42 of the Civil Air Regulations.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since it imposes no additional burden on any person, this regulation may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective immediately:

Any air carrier authorized by the Board, pursuant to Title IV of the Civil Aeronautics Act of 1938, as amended, to engage in scheduled air transportation of cargo may conduct such transportation under the air carrier certification and operation rules prescribed in Part 42 of the Civil Air Regulations.

This regulation shall supersede Special Civil Air Regulations Serial Numbers SR-317 and SR-317-A and shall terminate August 1, 1949, unless sooner terminated or rescinded by the Board.

(Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a), 551, 554)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 48-7937; Filed, Sept. 2, 1948; 8:52 a. m.]

[Civil Air Reg. Amdt. 61-2]

PART 61—SCHEDULED AIR CARRIER RULES

BANKING AFTER TAKE-OFF

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of August 1948.

Section 61.7209 of the Civil Air Regulations, in effect, forbids the banking of air carrier aircraft immediately after take-off until a minimum altitude of 500 feet has been attained. This regulation prohibits the changing of the aircraft's

course until this altitude has been reached which in some instances results in flight at a low altitude directly over highly congested areas. It is desirable to avoid such flights wherever possible and the rescission of this regulation will permit the establishment of better traffic patterns which will accomplish this purpose. Since other provisions of the Civil Air Regulations establish adequate safeguards against unnecessary and unsafe maneuvering of aircraft at low altitudes and § 60.108 (c) requires aircraft to conform to traffic patterns prescribed for individual airports, this regulation may be rescinded without an adverse effect on safety.

Special Civil Air Regulations Serial Numbers 188 and 398 provide exceptions to § 61.7209 and, therefore, may be terminated upon rescission of this rule.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends the Civil Air Regulations (14 CFR, Part 61, as amended) effective August 27, 1948:

1. By rescinding § 61.7209.

2. By rescinding Special Civil Air Regulations Serial Numbers 188 and 398.

(Secs. 205 (a) 601–610, 52 Stat. 984, 1007–1012; 49 U. S. C. 425 (a) 551–560)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 48-7936; Filed, Sept. 2, 1948; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52025]

ENFORCEMENT AND LITIGATION

MISCELLANEOUS AMENDMENTS TO CHAPTER

Various provisions of the Customs Regulations of 1943 amended to conform with the enacted codifications of Titles 18 and 28 of the United States Code.

Attention is invited to Public Law 772, 80th Congress, approved June 25, 1948, an act "To revise, codify, and enact into positive law, Title 18 of the United States Code, entitled 'Crimes and Criminal Procedure,'" effective September 1, 1948.

Attention is also invited to Public Law 773, 80th Congress, approved June 25, 1948, an act "To revise, codify, and enact into law Title 28 of the United States Code entitled 'Judicial Code and Judiciary,'" effective September 1, 1948.

Public Law 772 repeals a number of provisions of the Tariff Act of 1930 and related laws enforced by the Customs Service and incorporates their substance in new Title 18 of the United States Code. Public Law 773 repeals a number of provisions of the Tariff Act of 1930, in whole or in part, and incorporates the substance of the repealed matter in new Title 28 of the United States Code. The following amendments of the Customs Regulations of 1943 are made to reflect these changes in law and shall be effective on and after September 1, 1948.

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Part 4, Customs Regulations of 1943 (19 CFR, Cum. Supp., Part 4), is amended as follows:

1. Footnote 1, appended to § 4.1 (a) is amended by substituting "(R. S. 3068, sec. 307, 49 Stat. 528,)" for "(18 U. S. C. 122)" at the end of the second paragraph.

2. The third paragraph of footnote 2, appended to § 4.1 (c) is amended to read as follows:

"Whoever, not being in the United States service, and not being duly authorized by law for the purpose, goes on board any vessel about to arrive at the place of her destination, before her actual arrival, and before she has been completely moored, shall be fined not more than $200 or imprisoned not more than six months, or both.

"The master of such vessel may take any such person into custody, and deliver him up forthwith to any law enforcement officer, to be by him taken before any committing magistrate, to be dealt with according to law." (18 U. S. C. 2279)

3. Footnote 45, appended to § 4.24 (a) is amended by substituting "(Sec. 26, 23 Stat. 59, sec. 10, 32 Stat. 829, sec. 102, 1946 Reorg. Plan No. 3, 11 F. R. 7875, 60 Stat. 1097)" for "(18 U. S. C. 643, E. O. 9083; 7 F. R. 1609)" at the end thereof.

4. Section 4.24 (d) is amended by deleting "18 U. S. C. 643," from the parenthetical matter at the end thereof.

5. Footnote 98, appended to § 4.61 (b) (13) is amended by substituting "18 U. S. C. 1724" for "18 U. S. C. 326."

6. Footnote 104, appended to § 4.73 (a) is amended by substituting "18 U. S. C. Ch. 45, secs. 14, 16, and 17 of the Criminal Code (35 Stat. 1090–1091)" for "18 U. S. C. Ch. 2."

7. Section 4.98 (g) (1) is amended by substituting "(R. S. 854)" for "(28 U. S. C. 607)" in the first sentence.

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 18 U. S. C., 19 U. S. C. 1624)

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

1. Section 5.15, Customs Regulations of 1943 (19 CFR, Cum. Supp., 5.15) is amended by changing the parenthetical matter at the end thereof to read "(18 U. S. C. 547; secs. 595, 624, 46 Stat. 752, 759; 19 U. S. C. 1595, 1625)".

2. The last paragraph of footnote 13, appended to the said § 5.15 is amended to read as follows:

"Whoever receives or deposits any merchandise in any building upon the boundary line between the United States and any foreign country, or carries any merchandise through the same, in violation of law, shall be fined not more than $5,000 or imprisoned not more than two years, or both." (18 U. S. C. 547)

PART 9—IMPORTATIONS BY MAIL

Part 9, Customs Regulations of 1943 (19 CFR, Cum. Supp., Part 9), is amended as follows:

1. The parenthetical matter at the end of § 9.5 (c) is amended to read "(18 U. S. C. 545; secs. 618, 624, 46 Stat. 757, 759; 19 U. S. C. 361)" in the last sentence.

2. In the marginal references opposite § 9.12 (d) substitute "18 U. S. C. 43, 44, 1716, 1761, 1762;" for "18 U. S. C. 340 and Ch. 9;"

3. In the marginal references opposite § 9.12 (e) substitute "18 U. S. C. 1301" for "18 U. S. C. 387"; and "18 U. S. C. 1461" for "18 U. S. C. 334."

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 18 U. S. C., 19 U. S. C. 1624)

PART 12—SPECIAL CLASSES OF MERCHANDISE

Part 12, Customs Regulations of 1943 (19 CFR, Cum. Supp., Part 12), is amended as follows:

1. Footnote 14, appended to § 12.27, is deleted and the following is inserted in lieu thereof:

14 "Whoever delivers or knowingly receives for shipment, transportation, or carriage in interstate or foreign commerce, any wild animal or bird, or the dead body or part thereof, or the egg of any such bird imported from any foreign country, or captured, killed, taken, purchased, sold, or possessed contrary to any Act of Congress, or the law of any State, Territory, Possession, or foreign country, or subdivision thereof; or

"Whoever transports, brings, or conveys from any foreign country into the United States any wild animal or bird, or the dead body or part thereof, or the egg of any such bird captured, killed, taken, shipped, transported, or carried contrary to the law of such foreign country or subdivision thereof; or

"Whoever knowingly purchases or receives any wild animal or bird, or the dead body or part thereof, or the egg of any such bird imported from any foreign country or shipped, transported, carried, brought, or conveyed in violation of this section; or

"Whoever, having purchased or received any wild animal or bird, or the dead body or part thereof, or the egg of any such bird imported from any foreign country or shipped, transported, or carried in interstate commerce, makes any false record or account thereof; or

"Whoever imports from or exports to Mexico any game mammal, dead or alive, or parts or products thereof, except under permit or authorization of the Secretary of the Interior, in accordance with regulations issued by him and approved by the President—

"Shall be fined not more than $500 or imprisoned not more than six months, or both; and the wild animals or birds, or the dead bodies or parts thereof, or the eggs of such birds, shall be forfeited." (18 U. S. C. 43)

"Whoever ships, transports, carries, brings or conveys in interstate or foreign commerce any package containing wild animals or birds, or the dead bodies or parts thereof, without plainly marking, labeling, or tagging such package with the names and addresses of the shipper and consignee and with an accurate statement showing the contents by number and kind; or

"Whoever ships, transports, carries, brings or conveys in interstate commerce, any package containing migratory birds included in any convention to which the United States is a party, without marking, labeling, or tagging such package as prescribed in such conventions, or Act of Congress, or regulation thereunder; or

"Whoever ships, transports, carries, brings or conveys in interstate commerce any pack-

age containing furs, hides, or skins of wild animals without plainly marking, labeling, or tagging such package with the names and addresses of the shipper and consignee—

"Shall be fined not more than $500 or imprisoned not more than six months, or both; and the shipment shall be forfeited." (18 U. S. C. 44)

"Any employee authorized by the Secretary of the Interior to enforce sections 43 and 44 of this title, and any officer of the customs, may arrest any person violating said sections in his presence or view, and may execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of said sections." (18 U. S. C. 3054)

"Any employee authorized by the Secretary of the Interior to enforce sections 43 and 44 of this title, and any officer of the customs, shall have authority to execute any warrant to search for and seize any property used or possessed in violation of said sections and property so seized shall be held by him or by the United States marshal pending disposition thereof by the court." (18 U. S. C. 3112)

2. Section 12.38 is amended to read as follows:

§ 12.38 *Labeling requirements; packages.* All packages of liquor not labeled as required by 18 U. S. C. 1263[25] shall be seized and disposed of as provided for by law (18 U. S. C. 3615) (Sec. 624, 46 Stat. 759; 19 U. S. C. 1624)

3. Footnote 25 appended to § 12.38 is amended to read as follows:

[25] "Whoever knowingly ships into any place within the United States, any package of or package containing any spirituous, vinous, malted, or other fermented liquor, or any compound containing any spirituous, vinous, malted, or other fermented liquor fit for use for beverage purposes, unless such package is so labeled on the outside cover as to plainly show the name of the consignee, the nature of its contents, and the quantity contained therein, shall be fined not more than $1,000 or imprisoned not more than one year, or both." (18 U. S. C. 1263)

"All liquor involved in any violation of sections 1261–1265 of this title, the containers of such liquor, and every vehicle or vessel used in the transportation thereof, shall be seized and forfeited and such property or its proceeds disposed of in accordance with the laws relating to seizures, forfeitures, and dispositions of property or proceeds, for violation of the internal-revenue laws." (18 U. S. C. 3615)

4. Footnote 27, appended to § 12.40 (a) is amended by transferring the parenthetical matter from the end of the last paragraph to the end of the preceding paragraph, by deleting the remainder of the last paragraph, and by inserting a new last paragraph to read as follows:

"Whoever, being an officer, agent, or employee of the United States, knowingly aids or abets any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail obscene or indecent publications or representations, or books, pamphlets, papers, writings, advertisements, circulars, prints, pictures, or drawings containing any matter advocating or urging treason or insurrection against the United States or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States, or means for preventing conception or procuring abortion, or other articles of indecent or immoral use or tendency, shall be fined not more than $5,000 or imprisoned not more than ten years, or both." (18 U. S. C. 552)

5. Section 12.40 (d) is amended by substituting "of the offender" for "under the provisions of the Criminal Code."

6. The last sentence of footnote 28, appended to § 12.40 (f), is amended to read as follows:

Sections 1461 and 1462, title 18, United States Code, contain provisions which apply to information and advertisements on these subjects.

7. Section 12.47 is amended by substituting "section 1761 or 1762, title 18, United States Code,[29]" for "the Act of July 24, 1935, 49 Stat. 494 (18 U. S. C. 396b–396e)[29]"

8. Footnote 30, appended to § 12.47, is amended to read as follows:

[29] "(a) Whoever knowingly transports in interstate commerce or from any foreign country into the United States any goods, wares, or merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal or reformatory institution, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) This chapter shall not apply to agricultural commodities or parts for the repair of farm machinery, nor to commodities manufactured in a Federal, District of Columbia, or State institution for use by the Federal Government, or by the District of Columbia, or by any State or Political subdivision of a State." (18 U. S. C. 1761)

"(a) All packages containing any goods, wares, or merchandise manufactured, produced, or mined wholly or in part by convicts or prisoners, except convicts or prisoners on parole or probation, or in any penal or reformatory institution, when shipped or transported in interstate or foreign commerce shall be plainly and clearly marked, so that the name and address of the shipper, the name and address of the consignee, the nature of the contents, and the name and location of the penal or reformatory institution where produced wholly or in part may be readily ascertained on an inspection of the outside of such package.

"(b) Whoever violates this section shall be fined not more than $1,000, and any goods, wares, or merchandise transported in violation of this section or section 1761 of this title shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property imported into the United States contrary to law." (18 U. S. C. 1762)

9. Section 12.48 (a) is amended by substituting "chapter 25, title 18, United States Code," for "various sections of title 18 of the United States Code,"

10. Footnote 31 appended to § 12.48 (a) is amended to read as follows:

[31] Under 18 U. S. C. 469, it is unlawful to import any "business or professional card, notice, placard, token, device, print, or impression, or any other thing whatsoever, in the likeness or similitude as to design, color, or the inscription thereon of any of the coins of the United States or of any foreign country issued as money, either under the authority of the United States or under the authority of any foreign government."

Under 18 U. S. C. 474 it is unlawful to bring into the United States any "plate, stone; or other thing, * * * from which has been printed, or which may be prepared by direction of the Secretary of the Treasury for the purpose of printing, any obligation or other security of the United States" or any "engraving, photograph, print, or impression" in the likeness of any "obligation or other security issued under the authority of the United States," except under the direction of some proper officer of the United States.

Under 18 U. S. C. 481 it is unlawful to bring into the United States any "counterfeit plate, stone, or other thing, engraving, photograph, print, or other impressions of the notes, bonds, obligations, or other securities of any foreign government, bank, or corporation."

Uncanceled foreign or domestic postage or revenue stamps are obligations of the Government which issues them, and facsimiles or imitations thereof are subject to forfeiture.

11. Section 12.48 (c) is amended by deleting the first sentence and substituting the following in lieu thereof:

(c) Printed matter of the character described in section 489 or 504, title 18, United States Code,[32] containing illustrations of coins or medals, or reproductions of postage or revenue stamps, executed in accordance with any exception stated in section 489 or 504, or the regulations referred to in paragraph (b) of this section, as the case may be, may be admitted to entry.

12. Footnote 32, appended to § 12.48 (c), is amended to read as follows:

[32] "This section shall not forbid or prevent the printing and publishing of illustrations of coins and medals or the making of the necessary plates for the same to be used in illustrating numismatic and historical books and journals and school arithmetics and the circulars of legitimate publishers and dealers in the same." (18 U. S. C. 483)

"(a) Nothing in sections 481, 482 and 502 of this title, or in any other provision of law, shall forbid or prevent the printing, publishing, or importation, or the making or importation of the necessary plates for such printing or publishing, for philatelic purposes in articles, books, journals, newspapers, or albums (including the circulars or advertising literature of legitimate dealers in stamps or publishers of or dealers in philatelic or historical articles, books, journals, or albums), of black and white illustrations of—

(1) foreign revenue stamps if from plates so defaced as to indicate that the illustrations are not adapted or intended for use as stamps;

(2) foreign postage stamps; or

(3) such portion of the border of a stamp of the United States as may be necessary to show minor distinctive features of the stamp so illustrated, but all such illustrations shall be at least four times as large as the portion of the original United States stamp so illustrated.

"(b) Notwithstanding any other provision of law, the Secretary of the Treasury, subject to the approval of the President, may, upon finding that no hindrance to the suppression of counterfeiting and no tendency to bring into disrepute any obligation or other security of the United States will result, by regulations, permit, to the extent and under such conditions as he may deem appropriate, the printing, publishing or importation or the making or importation of the necessary plates for such printing or publishing, for philatelic purposes in articles, books, journals, newspapers, or albums (including the circulars or advertising literature of legitimate dealers in stamps or publishers of or dealers in philatelic or historical articles, books, journals, or albums), of black and white illustrations of canceled or uncanceled United States postage stamps.

"The Secretary, subject to the approval of the President, may amend or repeal such regulations at any time. Such regulations, and any amendment or repeal thereof, shall

become effective upon publication thereof in the FEDERAL REGISTER or upon such date as may be specified therein if later than the date of publication.

"All findings of fact made hereunder shall be final and conclusive and shall not be subject to review." (18 U. S. C. 504)

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 18 U. S. C. 1, 19 U. S. C. 1624)

PART 17—PROTESTS AND REAPPRAISEMENTS

Part 17, Customs Regulations of 1943 (19 CFR, Cum. Supp., Part 17) is hereby amended as follows:

1. Footnote 3, appended to § 17.4 (a) and footnote 4, appended to § 17.4 (b) are amended to read as follows:

[3] "Any party to a proceeding before the Customs Court who is dissatisfied with the decision of such court as to the construction of the law and the facts respecting the classification of imported merchandise and the rate of duty imposed thereon under such classification, or with any other appealable decision of such court, may, not later than sixty days after the entry of the decision, apply to the Court of Customs and Patent Appeals for a review of all questions of law and fact. In cases arising in the Territories and Possessions ninety days shall be allowed for making such application.

"The application shall be made by filing in the office of the clerk of the Court of Customs and Patent Appeals a concise statement of errors of law and fact complained of; and a copy of such statement shall be served on the collector, or on the importer, owner, consignee, or agent, as the case may be. Thereupon the Court of Customs and Patent Appeals shall immediately order the Customs Court to transmit the record and evidence taken, together with a certified statement of the facts involved in the case and the decision thereon; and all the evidence taken by and before the Customs Court shall be competent evidence before the Court of Customs and Patent Appeals. The decision of the Court of Customs and Patent Appeals shall be final unless set aside or modified by the Supreme Court, and the case shall be remanded to the Customs Court for further proceedings to be taken in pursuance of such decision." (28 U. S. C. 2601)

[4] "The Court of Customs and Patent Appeals shall have jurisdiction to review by appeal final decision of the Customs Court in all cases as to the construction of the law and the facts respecting the classification of merchandise, the rate of duty imposed thereon under such classifications, and the fees and charges connected therewith, and all appealable questions as to the jurisdiction of the Customs Court and as to the laws and regulations governing the collection of the customs revenues." (28 U. S. C. 1541)

"Cases in the Court of Customs and Patent Appeals may be reviewed by the Supreme Court by writ of certiorari." (28 U. S. C. 1256)

2. Footnote 8, appended to § 17.7 (c) is amended by placing a period after "United States Customs Court" and by deleting the remainder of the sentence.

3. Footnote 9, appended to § 17.8 (b), is amended to read as follows:

[9] "The Customs Court shall have exclusive jurisdiction of appeals for reappraisement and applications for review of reappraisement of imported merchandise * * *" (28 U. S. C. 1582)

"In finding the value of merchandise, in reappraisement proceedings before a single judge of the Customs Court, affidavits and depositions of persons whose attendance cannot reasonably be had, price lists and catalogues, reports or depositions of consuls, customs agents, collectors, appraisers, assistant appraisers, examiners, and other officers of the Government may be admitted in evidence. Copies of official documents, when certified by an official duly authorized by the Secretary of the Treasury, may be admitted in evidence with the same force and effect as original documents.

"The value found by the appraiser shall be presumed to be the value of the merchandise. The burden shall rest upon the party who challenges its correctness to prove otherwise." (28 U. S. C. 2633)

"The judge assigned to hear an appeal for reappraisement of merchandise shall render his decision in writing, together with a statement of the reasons therefor and of the facts on which his decision is based." (28 U. S. C. 2635)

"(a) The decision of a single judge in a reappraisement proceeding shall be final and conclusive upon all parties unless within 30 days from the date it is filed with the collector of customs an application for its review is filed with or mailed to the Customs Court by the collector or other person authorized by the Secretary of the Treasury, and a copy of such application mailed to the consignee, or his agent or attorney, or filed by the consignee, or his agent or attorney, with the collector, by whom the same shall be forwarded forthwith to such court." (28 U. S. C. 2636 (a))

"The decision of a division of the Customs Court, in any matter within its jurisdiction shall be the decision of such court, and shall be final and conclusive upon all parties, unless a party to such proceeding takes an appeal to the Court of Customs and Patent Appeals within the time and manner provided in section 2601 of this title, but if the decision relates to a reappraisement of merchandise, such appeal to the Court of Customs and Patent Appeals shall be upon questions of law only." (28 U. S. C. 2637)

4. Footnote 13, appended to § 17.11 (a) is amended by deleting the last sentence of paragraph (b) the last sentence of paragraph (c) and all of paragraph (d) by inserting a quotation mark and "(Tariff Act of 1930, sec. 516, as amended; 19 U. S. C. 1516)" at the end of paragraph (c) and by adding a new full paragraph to read as follows:

"In reappraisement or classification proceedings instituted under section 1516 of Title 19, an American manufacturer, producer, or wholesaler shall not have the right to inspect any documents or papers of the consignee or importer disclosing any information which the Customs Court or any judge or division thereof deems unnecessary or improper to be disclosed to him." (28 U. S. C. 2634 (b))

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 18 U. S. C., 19 U. S. C. 1624)

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

Part 23, Customs Regulations of 1943 (19 CFR, Cum. Supp., Part 23), is amended as follows:

1. In the marginal references opposite § 23.3 (a) substitute "18 USC 3041" for "18 U. S. C. 591, 595 R. S. 1014."

2. The first paragraph of footnote 6, appended to § 23.3 (b) is amended to read as follows:

[6] "All property taken or detained under any revenue law of the United States shall not be repleviable, but shall be deemed to be in the custody of the law and subject only to the orders and decrees of the courts of the United States having jurisdiction thereof." (28 U. S. C. 2463)

3. Section 23.3 (d) is amended by changing the parenthetical matter at the end thereof to read as follows: "(Secs. 459, 460, 624, 46 Stat. 717, 759, secs. 1, 3–8, 49 Stat. 517–520, sec. 10 (a) (b) 52 Stat. 1082; 18 U. S. C. 546, 19 U. S. C. 1459, 1460, 1624, 1701, 1703–1708)"

4. The last paragraph of footnote 12, appended to § 23.6 (a), is amended to read as follows:

Acts or omissions which constitute grounds for forfeiture under section 592 may also justify criminal prosecution under 18 U. S. C. 542, in addition to the forfeiture incurred under section 592.

5. Section 23.8 is amended by substituting "section 545, title 18, United States Code,[15]" for "section 593, Tariff Act of 1930,[15]" and by changing the parenthetical matter at the end thereof to read as follows: "(Sec. 624, 46 Stat. 759; 18 U. S. C. 545, 19 U. S. C. 1624)"

6. Footnote 15, appended to § 23.8, is amended to read as follows:

[15] "Whoever knowingly and willfully, with intent to defraud the United States, smuggles, or clandestinely introduces into the United States any merchandise which should have been invoiced, or makes out or passes, or attempts to pass, through the customhouse any false, forged, or fraudulent invoice, or other document or paper; or

"Whoever fraudulently or knowingly imports or brings into the United States, any merchandise contrary to law, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported or brought into the United States contrary to law—

"Shall be fined not more than $5,000 or imprisoned not more than two years, or both.

"Proof of defendant's possession of such goods, unless explained to the satisfaction of the jury, shall be deemed evidence sufficient to authorize conviction for violation of this section.

"Merchandise introduced into the United States in violation of this section shall be forfeited to the United States.

"The term 'United States', as used in this section, shall not include the Philippine Islands, Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, or Guam." (18 U. S. C. 545)

7. Footnote 16, appended to § 23.8, is amended by substituting "18 U. S. C. 545" for "sec. 593, Tariff Act of 1930."

8. In the marginal reference opposite § 23.11 (a) substitute "28 U. S. C. 2006, 2465" for "18 U. S. C. 818, 842."

9. The third and fourth paragraphs of footnote 22, appended to § 23.11 (d), are amended to read as follows:

"Whoever, being an officer, agent, or employee of the United States or any department or agency thereof, engaged in the enforcement of any law of the United States, searches any private dwelling used and occupied as such dwelling without a warrant directing such search, or maliciously and without reasonable cause searches any other building or property without a search warrant, shall be fined for a first offense not more than $1,000; and, for a subsequent offense, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"This section shall not apply to any person—

(a) serving a warrant of arrest; or

(b) arresting or attempting to arrest a person committing or attempting to commit an offense in his presence, or who has com-

mitted or is suspected on reasonable grounds of having committed a felony; or

(c) making a search at the request or invitation or with the consent of the occupant of the premises." (18 U. S. C. 2236)

"Whoever falsely represents himself to be an officer, agent, or employee of the United States, and in such assumed character arrests or detains any person or in any manner searches the person, buildings, or other property of any person, shall be fined not more than $1,000 or imprisoned not more than three years, or both." (18 U. S. C. 913)

10. Section 23.12 (f) is deleted and paragraph (g) thereof, added by T. D. 51855, is redesignated (f)

11. In the marginal references opposite § 23.21 (a) substitute "18 U. S. C. 3237, 3238, 28 U. S. C. 1395" for "28 U. S. C. 102, 103, 106)"

12. The last two paragraphs of footnote 33, appended to § 23.21 (a) are amended to read as follows:

"Upon the entry of judgment for the claimant in any proceeding to condemn or forfeit property seized under any Act of Congress, such property shall be returned forthwith to the claimant or his agent; but if it appears that there was reasonable cause for the seizure, the court shall cause a proper certificate thereof to be entered and the claimant shall not, in such case, be entitled to costs, nor shall the person who made the seizure, nor the prosecutor, be liable to suit or judgment on account of such suit or prosecution." (28 U. S. C. 2465)

"Execution shall not issue against a collector or other revenue officer on a final judgment in any proceeding against him for any of his acts, or for the recovery of any money exacted by or paid to him and subsequently paid into the Treasury, in performing his official duties, if the court certifies that:

(1) probable cause existed; or

(2) the officer acted under the directions of the Secretary of the Treasury or other proper Government officer.

"When such certificate has been issued, the amount of the judgment shall be paid out of the proper appropriation by the Treasury." (28 U. S. C. 2006)

13. Section 23.22 (a) is amended by inserting "[25]" after "court proceeding", deleting "under the provisions of section 938; Revised Statutes, as amended," and by adding at the end thereof "(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)".

14. The first paragraph of footnote 36, appended to § 23.22 (a) is deleted.

15. Section 23.22 (b) is deleted.

16. In the marginal references opposite § 23.29, delete "39615, R. S. 563, 28 U. S. C. 45 (5) (9) "

17. The first paragraph of footnote 45, appended to § 23.29, is amended by substituting "Collectors and appraisers" for "Collectors, appraisers, and judges and divisions of the United States Customs Court."

18. Section 23.30 is amended by substituting "212, title 18, United States Code" for "601, Tariff Act of 1930" and the parenthetical matter at the end thereof is amended to read "(Sec. 624, 46 Stat. 759; 18 U. S. C. 212, 19 U. S. C. 1624)"

19. Footnote 46, appended to § 23.30, is amended to read as follows:

[25] "Whoever gives, offers, or promises any money or thing of value, directly or indirectly, to any officer or employee of the United States in consideration of or for any act or omission contrary to law in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of merchandise or baggage, or of the liquidation of the entry thereof, or by threats or demands or promises of any character attempts improperly to influence or control any such officer or employee of the United States as to the performance of his official duties, shall be fined not more than $5,000 or imprisoned not more than two years, or both.

"Evidence, satisfactory to the court, of such giving, offering, or promising to give, or attempting to influence or control, shall be prima facie evidence that the same was contrary to law." (18 U. S. C. 212)

"Moneys received or tendered in evidence in any United States Court, or before any officer thereof, which have been paid to or received by any official as a bribe, shall, after the final disposition of the case, proceeding or investigation, be deposited in the registry of the court to be disposed of in accordance with the order of the court, to be subject, however, to the provisions of section 852 [now 2042] of Title 28." (18 U. S. C. 3612)

20. The parenthetical matter at the end of § 23.31 (b) is amended to read "(Sec. 208, 49 Stat. 526; 18 U. S. C. 545, 19 U. S. C. 483)"

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 18 U. S. C., 19 U. S. C. 1624)

PART 26—DISCLOSURE OF INFORMATION

Section 26.2 (e) Customs Regulations of 1943 (19 CFR, Cum. Supp., 26.2 (e)) is amended by substituting "1733" for "661" in the last sentence thereof.

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 18 U. S. C., 19 U. S. C. 1624)

W R. JOHNSON,
Acting Commissioner of Customs.

Approved: August 31, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-7910; Filed, Sept. 2, 1948; 8:47 a. m.]

[T. D. 52029]

PART 16—LIQUIDATION OF DUTIES

PART 17—PROTESTS AND REAPPRAISEMENTS

NOTICE OF LIQUIDATION

Sections 16.2 (d) (e) (f) and (g) 16.12 (b) and 17.1 (c) Customs Regulations of 1943, relating to notice of liquidation; amended.

1. Section 16.2, Customs Regulations of 1943 (19 CFR, Cum. Supp., 16.2) as amended by T. D. 51215, is further amended as follows:

Paragraph (d) is amended by substituting the following for the fifth and sixth sentences: "The bulletin notice of liquidation shall be posted as soon as possible in a conspicuous place in the customhouse for the information of importers or lodged at some other suitable place in the customhouse in such a manner that it can readily be located and consulted by all interested persons, who shall be directed to that place by a notice maintained in a conspicuous place in the customhouse stating where notices of liquidations of entries are to be found. The bulletin notice of liquidation shall be dated with the date of posting or, if not posted, with the date it is lodged in the above-described place for the information of importers. The entries for which the bulletin notice of liquidation has been prepared shall be stamped "Liquidated," with the date of liquidation, which shall be the same as the date of the bulletin notice of liquidation."

Paragraph (e) is amended by substituting "notice thereof posted or lodged as specified in paragraph (d)" for the last two words thereof.

Paragraph (f) is amended by inserting "or lodged" after the word "posted"

Paragraph (g) is amended by inserting "or lodged" after the word "posted"

(Secs. 505, 624, 46 Stat. 732, 759; 19 U. S. C. 1505, 1624)

2. Section 16.12 (b) Customs Regulations of 1943 (19 CFR, Cum. Supp. 16.12 (b)) is amended to read as follows:

(b) Appraisement, informal, mail, and baggage entries shall be formally liquidated after verification by the comptroller and return to the collector, and a carbon copy of customs Form 5171 covering such entries shall be posted or lodged as the notice of liquidation, in the place and manner specified in § 16.2 (d) for customs Form 4333, after a line has been drawn through the data relating to any entry listed thereon which has not been liquidated as entered. When any such entry is liquidated otherwise than as entered, or is liquidated after the copy of Form 5171 on which it was scheduled has already been posted or lodged as a notice of liquidation, notice of the liquidation shall be posted or lodged on customs Form 4333. All such entries ready for liquidation during any one month may be liquidated on any convenient day during that month. The date of posting or lodging for the information of importers shall be stamped on the bulletin as the date of liquidation of all entries covered thereby.

(Secs. 505, 624, 46 Stat. 732, 759; 19 U. S. C. 1505, 1624)

3. Section 17.1 (c) Customs Regulations of 1943 (19 CFR, Cum. Supp., 17.1 (c)), is amended to read as follows:

(c) The date of liquidation for the purpose of computing the time for filing protests under section 514, Tariff Act of 1930, shall be the date of liquidation stamped upon the entry, and the posting or lodging of notice of the liquidation in compliance with § 16.2 (d) of this chapter shall be sufficient notice of the fact and date of liquidation.

(Secs. 514, 624, 46 Stat. 734, 759; 19 U. S. C. 1514, 1624)

FRANK DOW,
Acting Commissioner of Customs.

Approved: August 30, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-7911; Filed, Sept. 2, 1948; 8:48 a. m.]

[T. D. 52023]

PART 25—CUSTOMS BONDS

FREE-ENTRY OR REDUCED-DUTY DOCUMENTS

The acceptance of free-entry or reduced-duty documents after liquidation of the entry.

Section 25.17 (g) Customs Regulations of 1943 (19 CFR, Cum. Supp., 25.17 (g)) is hereby amended by deleting the words "bonded period but prior to the liquidation" and substituting in lieu thereof the words "bond period but before liquidation of the entry or within such time after liquidation as will permit a valid reliquidation."

(Sec. 30, 52 Stat. 1089, sec. 624, 46 Stat. 759; 19 U. S. C. 1623, 1624)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: August 27, 1948.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 48-7909; Filed, Sept. 2, 1948; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC DRUGS

PART 146—CERTIFICATION OF BATCHES OF PENICILLIN- OR STREPTOMYCIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Federal Security Administrator by the provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, 1055, as amended by 59 Stat. 463 and 61 Stat. 11, 21 U. S. C., Sup. 357) the regulations for tests and methods of assay of antibiotic drugs (12 F. R. 2215) and certification of batches of penicillin- or streptomycin-containing drugs (12 F R. 2231, 4961, 13 F R. 439, 1305, 2475, 3969) are amended as indicated below:

1. Part 141 is amended by adding the following new section:

§ 141.107 *Streptomycin ointment*—(a) *Potency.* Proceed as directed in § 141.101, except paragraphs (j) and (k) thereof, and, in lieu of the directions in paragraph (e) of § 141.101, prepare the sample as follows:

Accurately weigh the tube and contents and squeeze approximately 1.0 gm. into a blending jar containing 50 ml. of 0.10 M potassium phosphate buffer (pH 7.8 to 8.0) Reweigh the tube to obtain weight of ointment used in the test. Using a high-speed blender, blend the mixture for 3 minutes. Dilute an aliquot of the mixture to contain 100 mcg. of streptomycin base (estimated) per milliliter. Transfer 1.0 ml. of this solution to a 100-ml. flask and make up to volume with 0.10 M potassium phosphate buffer (pH 7.8 to 8.0) Use this last dilution in the assay for potency. The potency of streptomycin ointment is satisfactory if it contains not less than 85% of the number of micrograms of streptomycin base per gram it is represented to contain.

(b) *Microorganism count.* Accurately weigh the tube and squeeze approximately 0.5 gm. of the ointment into 4 to 5-ml. of a 1:300 solution of sterile hydroxylamine hydrochloride. Reweigh the tube to obtain weight of ointment used in the test. Warm the hydroxylamine solution containing the ointment for 1 hour or longer at 48–50° C. or until ointment is completely emulsified (moderate shaking at frequent intervals will aid in rapid emulsification) Divide the emulsified ointment into two test tubes, each containing 25 cc. of melted nutrient agar prepared as directed in § 141.1 (b) (1) Shake the tubes to insure even distribution and pour the contents of each tube into a sterile Petri dish and place in a 37° C. incubator for 48 hours. Count the number of colonies appearing on the plates and calculate therefrom the number of viable microorganisms per gram of ointment.

2. Section 146.26 *Penicillin ointment (calcium penicillin ointment, penicillin ointment calcium salt, crystalline penicillin ointment)*, paragraph (a) first sentence, is amended to read as follows:

(a) *Standards of identity, strength, quality, and purity.* Penicillin ointment is calcium penicillin or crystalline penicillin in an ointment base composed of wool fat, petrolatum, or white petrolatum, or any mixture of two or all of these, with or without liquid petrolatum, white wax, yellow wax, carboxymethylcellulose, cottonseed oil, or peanut oil, oxycholesterin derivatives from wool fat, or any mixture of two or all of these.

3. Section 146.45 *Procaine penicillin in oil,* paragraph (a) *Standards of identity, strength, quality, and purity* second sentence, is amended to read: "Its potency is 300,000 units per milliliter, except if it is labeled solely for veterinary use, its potency may be 100,000 units per milliliter."

4. Section 146.47 *Procaine penicillin for aqueous injection,* paragraph (a) *Standards of identity, strength, quality and purity,* first sentence, is amended to read: "Procaine penicillin for aqueous injection is a dry mixture of procaine penicillin and one or more suitable and harmless suspending or dispersing agents, with or without sodium citrate."

Section 146.47, paragraph (d) *Requests for certification, samples,* subparagraph (3) (iii) is amended to read:

(iii) In case of an initial request for certification, each other ingredient used in making the batch; one package of each containing approximately 5 grams.

4. Part 146 is amended by adding the following new section:

§ 146.102 *Streptomycin ointment*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin ointment is streptomycin in an ointment base composed of white petrolatum, white wax, stearic acid, propylene glycol, or distilled water, or any mixture of two or all of these, with or without suitable and harmless dispersing and suspending agents. Its potency is not less than 5,000 mcg. per gram of ointment. Its content of viable microorganisms is not more than 50 per gram. The streptomycin used conforms to the requirements of § 146.101 (a), except subparagraphs (2), (4) (5) (6) and (8) of that paragraph. Each other substance, if its name is recognized in the U. S. P or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* Streptomycin ointment shall be packaged in collapsible tubes, which shall be well-closed containers as defined by the U. S. P., and shall not be larger than the 2-ounce size. The composition of the tubes and closure shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused which are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of streptomycin ointment shall bear, on its label or labeling as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark;

(ii) The number of micrograms per gram of the batch; and

(iii) The statement "Expiration date _____," the blank being filled in with the date which is 9 months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) The statement "Store in refrigerator not above 15° C. (59° F.)," or "Store below 15° C. (59° F.)"

(ii) Unless it is intended solely for veterinary use and is conspicuously so labeled, the statement "Caution: To be dispensed only by or on the prescription of a _____," the blank being filled in with the word "physician" or "dentist" or "veterinarian" or with any combination of two or all of these words as the case may be; and

(iii) Unless it is intended solely for veterinary use and is so labeled, a reference specifically identifying a readily available medical publication containing directions and precautions (including contraindications and possible sensitization) adequate for the use of such ointment, or a reference to a brochure or other printed matter containing such directions and precautions, and a statement that such brochure or printed matter will be sent on request.

(3) On the circular or other labeling within or attached to the package, if the drug is intended solely for veterinary use, directions and precautions adequate for the use of such ointment, including:

(i) Clinical indications;

(ii) Dosage and administration;

(iii) Contraindications; and

(iv) Untoward effects that may accompany administration.

(a) *Requests for certification, samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch of streptomycin ointment shall submit with his request a statement showing the batch

mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the streptomycin used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and that each component of the ointment base used conforms to the requirements prescribed therefor, if any, by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch, potency, microorganism count;

(ii) The streptomycin used in making the batch; potency, toxicity, pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; one package for each 5,000 packages in the batch, but in no case less than 5 packages or more than 12 packages, collected by taking single packages at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The streptomycin used in making the batch; 5 packages containing approximately equal portions of not less than 0.5 gm. each, packaged in accordance with the requirements of § 146.101 (b)

(iii) In case of an initial request for certification, the ingredients used in making the ointment base of the batch; one package of each containing approximately 200 gm., except for the suspending and dispersing agents used, in which case the sample shall consist of approximately 5 gm.

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch of streptomycin ointment under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i) (ii) and (iii) of this section; and

(2) If the Commissioner considers that investigations, other than examination of such packages, are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification, unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d)

This order, which provides for the use of an additional ingredient in the manufacture of procaine penicillin for aqueous injection and penicillin ointment; for a new product, streptomycin ointment; and for a new dosage form for procaine penicillin in oil when packaged and labeled solely for veterinary use, shall become effective upon publication in the FEDERAL REGISTER, since both the public and the penicillin industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and would be contrary to public interest, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would be against public interest to delay providing for the use of an additional ingredient in the manufacture of procaine penicillin for aqueous injection and penicillin ointment; to delay providing for a new streptomycin product, streptomycin ointment; and to delay providing for a new dosage form for procaine penicillin in oil when packaged solely for veterinary use.

Dated: August 30, 1948.

[SEAL] J. DONALD KINGSLEY,
Acting Administrator.

[F. R. Doc. 48-7906; Filed, Sept. 2, 1948; 8:47 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. OR 18]

PART 1—FUNCTIONS AND ORGANIZATION

Under authority contained in R. S. 161 (5 U. S. C. 22) and pursuant to section 3 of the Administrative Procedure Act of 1946 (60 Stat. 238) Title 22, Part 1, of the Code of Federal Regulations is amended as follows:

1. Section 1.170 is amended to read as follows:

§ 1.170 *Special Assistant to the Secretary for Press Relations*—(a) *Purpose.* To represent the Secretary in dealing with representatives of the foreign and domestic press and of radio, news-reel, and photographic agencies on news developments relating to the Department.

(b) *Major functions.* The office of the Special Assistant to the Secretary for Press Relations performs the following functions:

(1) Serves as adviser to the Secretary on press relations.

(2) Arranges and assists at press conferences held by the Department.

(3) Plans, prepares, and releases information to all news media on the activities and policies of the Department.

(4) Arranges for press services and relations at international conferences held in the United States and provides a Press Officer at international conferences held abroad.

(5) Prepares the News Digest, a daily summary of news stories, editorials, magazine articles, columns, and radio commentaries on international relations that have a particular bearing upon Department activities. Prepares the Foreign Press Summary, a daily summary of comment in leading publications abroad.

(6) Prepares and distributes clippings, press releases, and press-conference summaries to the Department and Foreign Service.

(c) *Organization.* The office of the Special Assistant to the Secretary for Press Relations is composed of the office of the Special Assistant, Press Branch, News Digest Branch, and Newspaper Analysis Branch.

(1) Office of the Special Assistant:

(i) Serves as adviser to the Secretary, Under Secretary, and other officials of the Department on press relations, both in the Department and at international conferences.

(ii) Maintains liaison with the press-relations sections of the White House and other Federal agencies.

(iii) Acts as the clearance agency of the Department for speeches, news releases, articles, statements, etc., where such material is issued by other Federal agencies and bears on foreign policy or is issued by the Department and relates to the activities of other Federal agencies.

(iv) Exercises general supervision over the Press Branch, News Digest Branch, and Newspaper Analysis Branch.

(2) Press Branch:

(i) Deals directly with the press on current activities of the Department, and clears information for the press with proper Department officers.

(ii) Answers the inquiries of press and supplies requested background information.

(iii) Prepares and distributes press releases.

(iv) Arranges press conferences and special interviews.

(v) Maintains cross-reference files on all releases issued by the Department and the White House.

(3) News Digest Branch: Prepares the News Digest and Foreign Press Summary for distribution throughout the Department, to the Foreign Service, and to other Federal agencies as requested.

(4) Newspaper Analysis Branch: Prepares, distributes, and catalogs press clippings dealing with foreign policy.

2. Section 1.190 is amended to read as follows:

§ 1.190 *Executive Secretariat.*—(a) *Purpose.* To provide the Secretary and Under Secretary with staff assistance to facilitate the prompt and efficient handling, coordination, and control of those matters which are related to their immediate responsibilities; and to serve as a channel between the Secretary, Under Secretary, and the Department for the orderly flow of decisions and information.

(b) *Major functions.* The Executive Secretariat performs the following major functions:

(1) Directs and controls the orderly and prompt flow of papers to and from the Secretary and Under Secretary, insuring full correlation of relevant responsibilities in the preparation of policy recommendations prior to submission for decision.

(2) Insures the proper implementation of decisions made by the Secretary and Under Secretary and referred elsewhere for action.

(3) Assists in the identification of policy problems that require coordination of the Department resources.

(4) Collects, maintains, and disseminates policy decisions and other staff records and reports necessary in the formulation and implementation of policy.

(5) Insures the effective use of group consultation for coordination through the official committee structure.

(6) Insures proper coordination and adherence to established policy and standards for outgoing communications of the Department.

(7) Makes the arrangements necessary for the President and the Secretary in their state relations with the agents of other governments.

(8) Undertakes special assignments and provides miscellaneous services for the Secretary and Under Secretary, including top-level liaison assignments.

(9) Provides budgetary, personnel-management, and other administrative services for the offices of the Secretary, Under Secretary, Counselor, Policy Planning Staff, and Executive Secretariat.

(c) *Committee Secretariat Staff.* The Committee Secretariat Staff provides staff assistance and advice regarding the establishment, coordination, operation, and termination of all Departmental committees and interdepartmental committees advisory to the Secretary of State. The Secretariat provides secretariat services in intergovernmental negotiations, as assigned. With regard to Departmental and interdepartmental committees the Staff is responsible for the following specific functions:

(1) Initiates and insures coordination in the formulation of policy recommendations by committees.

(2) Advises the Director of the Executive Secretariat regarding problems of policy-coordination having Department-wide implication, knowledge of which arises from committee operations.

(3) Provides efficient organization and management of operations of individual committees for the committee chairmen.

(4) Advises committee chairmen on the prompt consideration of problems which fall within their terms of reference, and apprises them of policy decisions relating to all problems before them.

(5) Insures adequate reporting of committee proceedings and decisions to the Secretary, high-level officers, and other interested officers of the Department.

(6) Maintains an adequate and uniform system of committee documentation, including agenda, minutes, and reports.

(7) Maintains essential records of individual committees and of the committee program as a whole, including rosters of existing committees.

(d) *Policy Reports Staff.* The Policy Reports Staff performs the following functions:

(1) Circulates within the Executive Secretariat, among offices within the Department, and between the Department and the missions, such policy informational material as may be necessary to the proper functioning of the Department and the missions.

(2) Transmits background informational material from the Offices through the Executive Secretariat to the Secretary and, as directed, to the President.

(3) Disseminates from the Executive Secretariat such policy decisions and information regarding other related developments as may be necessary for the guidance of officers in the Department and chiefs of mission abroad.

(4) Supervises the preparation and revision by the Offices of policy statements covering such countries, areas, and topics as may be determined from time to time; and distributes the statements within the Department and among the missions.

(5) Directs the preparation by the Offices, and prepares and maintains for the Secretary and Under Secretary, a compilation of statements, with essential background information, on policy problems which are, or are likely to be, of importance or concern to them.

(6) Serves as the repository for official policy decisions, statements, and commitments; and, to this end, maintains the Policy Record File, a comprehensive, carefully indexed, record of policy information drawn from all sources. This file is available for the use and consultation of all authorized officers.

(7) Acts in a policy-liaison capacity in areas assigned by the Secretary.

(e) *Protocol Staff.* The Protocol Staff performs the following functions:

(1) Plans and makes all arrangements for foreign visits of state; and arranges for the reception, by the President and the Secretary of State, of the chiefs of foreign missions and of distinguished foreign visitors.

(2) Arranges with Federal, State, and local government agencies for the granting of courtesies, privileges, and immunities to officials of foreign governments and international organizations; and arranges reciprocal privileges for American officials abroad.

(3) Advises the President and the Secretary of State on all matters of protocol.

(4) Operates the Blair House and the Blair-Lee House for the housing and entertainment of distinguished foreign guests.

(5) Maintains the seals of the United States and the Department of State, and handles matters pertaining thereto.

(6) Prepares and arranges for the monthly publication of the Diplomatic List.

(7) Arranges for the visits of foreign naval vessels and foreign military organizations to the United States, and for the visits of American naval vessels and American military organizations to foreign countries.

(8) Maintains custody of decorations and awards conferred by foreign governments upon officers of the United States, and determines when such individuals are legally entitled to receive such decorations or awards.

(f) *Correspondence Review Staff.* The Correspondence Review Staff performs the following functions:

(1) Reviews, edits, and coordinates outgoing correspondence, except that prepared for the signature of the Secretary or Under Secretary, to see that it is in accordance with the Department's policy, practice, and style; that it violates no diplomatic protocol; and that applicable administrative directives have been complied with.

(2) Acts as the official channel for the orderly receipt, presentation for signature, and proper disposition of certain outgoing correspondence, except that prepared for the signature of the Secretary or Under Secretary.

(3) Plans, initiates, and executes policies and procedures for effective preparation, coordination, and review of correspondence originating in the Department.

(4) Provides general information and advises on Departmental practice, procedure, and precedents relating to correspondence.

(5) Collaborates in the planning and development of correspondence-training programs for the personnel of the Department.

3. Section 1.320 is amended to read as follows:

§ 1.320 *Office of Libraries and Intelligence-Acquisition*—(a) *Purpose.* To plan, develop, and implement a program for the acquisition and dissemination of library and intelligence materials and information; for the collection, evaluation, and compilation of biographic data on foreign personalities; and for the maintenance, coordination, and development of Department libraries and reference services, including the central collection of intelligence information and materials.

(b) *Major function.* The Office performs the following functions:

(1) Plans, develops, and implements programs for—

(i) The acquisition and dissemination of library and intelligence materials and information.

(ii) The maintenance and operation of the Department libraries and reference services, including the central collection of intelligence information and materials.

(iii) Department participation with Federal and non-Federal libraries, library organizations, and associations, in cooperative library activities, including the acquisition of foreign publications, maps, and bibliographic projects and services.

(iv) The assembling and evaluation of biographic data, maintenance of biographic files, and preparation of biographic intelligence reports.

(c) *Organization.* The Office consists of the Office of the Director, including the Executive Officer and the Librarian of the Department; the Division of Library and Reference Services, Division of Acquisition and Distribution, and Division of Biographic Information.

(d) *Relationships with other agencies.* The Office has relationship—

(1) With the Departments of the Army, Navy, and Air Force, the Central Intelligence Agency, and all other Federal agencies.

(2) With Federal and other libraries.

4. Section 1.1510 *Office of Special Political Affairs* is deleted. The Office of

Special Political Affairs is in process of reorganization.

5. Section 1.1800 is amended to read as follows:

§ 1.1800 *Assistant Secretary—Administration*—(a) *Purpose.* To advise and assist the Secretary in the development and formulation of over-all organizational, administrative, and budgetary policies for the Department, the Foreign Service, and such special programs as may be vested in the Department of State or the Secretary by statute, Executive order, or otherwise; to execute and implement policies so developed and formulated; and to provide the necessary facilities to implement policies approved by the Secretary.

(b) *Major functions.* The Assistant Secretary is responsible for the development of sound organization structures; the establishment of appropriate budgetary and administrative procedures; the establishment of the management controls necessary to assure the proper administrative implementation of substantive policies and programs approved by the Secretary and the effective performance, among others, of the following functions:

(1) Supervises and controls the organization pattern of the Department, the Foreign Service, and special programs, and their component Offices, divisions, and other units.

(2) Exercises the authority vested in the Secretary of State or the Department of State, by statute, Executive order, or otherwise, to allocate funds made available to the Secretary or the Department.

(3) Prepares the annual budget estimates; and supervises the use of appropriated funds, in accordance with Congressional limitations, administrative objectives, and policies of the President and the Secretary.

(4) Administrates United States participation in international organizations and international conferences.

(5) Directs personnel-management of the Department, the Foreign Service, and the special programs.

(6) Operates the procurement, communication, and transportation services.

(7) Provides, maintains, and operates the physical establishments in the United States and abroad.

(8) Provides security within the Department, the Foreign Service, and the special programs.

(9) Protects American interests through administration of passport, visa, and munition-control laws and programs, and other pertinent laws.

(c) *Organization.* The Office of the Assistant Secretary consists of the Assistant Secretary, Deputy Assistant Secretaries, Executive and Special Assistants, and the Office of Controls, Office of the Foreign Service, Office of Budget and Planning, and Office of Departmental Administration.

6. In § 1.1820 paragraph (d) is added as follows:

§ 1.1820 *Director General of the Foreign Service.* * * *

(d) *Relationship with other agencies.* The Director General coördinates the activities of the Foreign Service with the needs of the Department and all other Federal agencies, and serves as a member of the Board of the Foreign Service and a member or chairman of other interdepartmental bodies concerned with specific aspects of Foreign Service operations.

7. Section 1.1830 is amended to read as follows:

§ 1.1830 *Office of the Foreign Service*—(a) *Purpose.* To provide administrative leadership, management, and direction to the Foreign Service of the United States; to strengthen relationships between the field establishments and the Department and other Federal agencies; and to develop the potential capabilities of individual members of the Foreign Service to the fullest extent.

(b) *Major functions.* The Office performs the following functions:

(1) Develops and directs the personal program for the Foreign Service of the United States.

(2) Programs and administratively directs field reporting, and coordinates requests for field reporting.

(3) Provides administrative services to field establishments, and directs the Foreign Service in providing the services to the public that are required by law and Foreign Service regulations.

(4) Provides housing for Foreign Service operations, and furnishes and maintains Foreign Service establishments.

(5) Develops and operates the training programs, both substantive and administrative, to meet the needs of the Foreign Service and the Department.

(6) Develops the plans and programs for improvement in the over-all administration and management of the Foreign Service.

(7) Through the Corps of Foreign Service Inspectors, directs the inspection of Foreign Service establishments and gives constructive advice and assistance on better methods of operation.

(8) Serves as coordinator for the Philippine Rehabilitation Program for the Department and other participating agencies; serves a single authority within the Department to make decisions on behalf of the Department on all matters of administration common to the agencies participating in the program.

(c) *Organization.* The Office consists of the office of the Executive Officer, Division of Foreign Service Planning, Division of Foreign Service Personnel, Division of Foreign Service Administration, Division of Foreign Buildings Operations, Foreign Service Institute, Division of Foreign Reporting Services, and Secretariat to the Board of Examiners for the Foreign Service.

(d) *Relationship with other agencies.* The Office maintains operating relations with all Federal agencies which are concerned with the administration of programs through the Foreign Service.

8. In § 1.1900 the introductory text and subparagraph (1) of paragraph (c) are amended to read as follows:

§ 1.1900 *Legal Adviser.* * * *

(c) *Organization.* The office of the Legal Adviser consists of the offices of the Executive Assistant; the Deputy Legal Adviser, Assistant Legal Advisers for Political Affairs, International-Organization Affairs, International Claims, Economic Affairs, Administration and Foreign Service, Military Affairs and Occupied Areas, Public Affairs, and Special Problems; and Assistant for Treaty Affairs.

(1) Deputy Legal Adviser: Serves as principal adviser and consultant to the Legal Adviser and, in his absence, as Acting Legal Adviser.

* * * * *

9. Section 1.2553 is added as follows:

§ 1.2553 *Policy Committee on Arms and Armaments*—(a) *Purpose.* To coordinate all aspects of Department policy with respect to arms and armaments; and to be solely responsible for the presentation of arms-policy matters to the State-Army-Navy-Air Force Coordinating Committee.

(b) *Major functions.* (1) The Committee is responsible for the coordination of all aspects of Department policy with respect to arms and armaments.

(2) The Chairman of the Committee takes the initiative in submitting to the State-Army-Navy-Air Force Coordinating Committee, or to any appropriate subcommittee thereof, such policy matters with respect to arms and armaments as may require concerted study, consideration, or action by the Departments of State, the Army, the Navy, and the Air Force. No policy matters or decisions with respect to arms or armaments are to be presented in behalf of the Department to the Coordinating Committee, except through the Chairman of the Policy Committee or with his concurrence.

(3) Each member of the Committee is authorized to bind his office on any matter coming before the Committee for consideration or action.

(c) *Membership.* (1) The Committee consists of:

(i) The Assistant Secretary — Occupied Areas, representative of the Secretary of State, Chairman of the Committee, and Department member of the State-Army-Navy-Air Force Coordinating Committee on all matters of policy dealing with arms and armaments.

(ii) A representative of the Assistant Secretary—Economic Affairs.

(iii) A representative of the Office of European Affairs.

(iv) A representative of the Office of Near Eastern and African Affairs.

(v) A representative of the Office of Far Eastern Affairs.

(vi) A representative of the Office of American Republic Affairs.

(vii) A representative of the Office of United Nations Affairs.

(viii) A representative of the Office of Controls.

(ix) A Deputy Chairman and an Executive Secretary each designated by the Chairman.

(2) The Chairman may invite to the meetings of the Armaments Committee representatives of Offices who do not hold permanent membership thereon when matters of special interest to such Offices are being considered by the Committee.

(d) *Activities.* (1) The Committee holds stated meetings and maintains a

record of its proceedings. The Chairman, with the advice and counsel of the membership, compiles a list of projects and studies with respect to arms and armament. These projects are assigned for research, development, and analysis to the membership of the Committee as their respective interests may appear. Consideration by the Committee, and submission to the State-Army-Navy-Air Force Coordinating Committee, of any such projects or studies is on the basis of relative urgency, as determined by the Chairman.

(2) The Chairman prescribes the rules of conduct of the Committee and the time and place of its meetings. All interdepartmental liaison by members of the Committee, or of its Secretariat, with respect to arms and armaments is to be accomplished as the Chairman may determine or with his concurrence.

(3) The Chairman places matters on the State-Army-Navy-Air Force Coordinating Committee agenda for consideration. He recommends to the Chairman of the Coordinating Committee duly qualified candidates to represent the Department on any Coordinating Committee subcommittee appointed to consider any matter in respect of arms or armaments, and no one shall represent the Department on any such subcommittee without the approval of the Chairman.

(4) It is expected that the Committee will formulate Department policy in matters of arms and armaments by unanimous action; however, in the event that unanimity cannot be attained, determination shall be made by the Chairman. Any such determination by the Chairman shall be final unless presented to the Under Secretary for review by an Assistant Secretary. A request for review shall be initiated in writing at an early date following the meeting of the Committee at which the determination was made, stating the grounds upon which review is sought; and copies thereof shall be forwarded to the Chairman and to the Secretary of the Committee. It is expected that the Chairman, Deputy Chairman, and Executive Secretary of the Committee shall be notified by the dissenting member of the intention to seek review within seventy-two hours following the meeting at which the decision in question was taken.

(5) Technical and secretarial facilities are provided the Committee, in the first instance, by the Executive Secretariat; and they shall be augmented to such extent as may be necessary by contribution of personnel and facilities by the offices participating in the membership of the Committee. Upon the request of the Chairman, the Assistant Secretary—Administration shall, to the extent necessary in his opinion, levy on any office or division of the Department for such personnel and facilities as the Secretariat may require.

10. In § 1.2561 paragraph (c) is revised to incorporate paragraph (d) and paragraph (d) is deleted, as follows:

§ 1.2561 *Committee on Attestation.* * * *

(c) *Organization.* The Committee is composed of an Attestation Officer, designated by the Chief of the Division of Libraries and Institutes of the Office of Educational Exchange, who serves as Chairman, a Secretary appointed by him with the approval of the Chief, and representatives of such other Department organization units, other Federal agencies, and nongovernmental organizations as may be invited from time to time to participate in the deliberations of the Committee on matters directly involving their interests or technical competence.

11. In § 1.2562 paragraph (c) is revised to incorporate paragraph (d) and paragraph (d) is deleted, as follows:

§ 1.2562 *Review Committee on Visual and Audio Material.* * * *

(c) *Organization.* The Committee is composed of a Chairman, designated by the Chief of the Division of Libraries and Institutes of the Office of Educational Exchange, a Secretary appointed by him with the approval of the Chief, and representatives of such other Department organization units, other Federal agencies, and non-governmental organizations as may be invited from time to time to participate in the deliberations of the Committee on matters directly involving their interests or technical competence.

This regulation will be effective on the date of publication in the FEDERAL REGISTER.

For the Secretary of State.

Approved: August 2, 1948.

[SEAL] STANLEY T. OREAR,
Chief,
Division of Organization and Budget.

[F. R. Doc. 48-7899; Filed, Sept. 2, 1948; 9:02 a. m.]

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 35]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATIONS FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is amended in the following respect:

1. Schedule A, item 165, is amended to describe the counties in the defense-rental area under the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments as follows:

Mississippi—Grenada.
Mississippi—LeFlore.

[1] 12 F. R. 4302, 5040, 5423, 5457, 5699, 6027, 6686, 6923, 7111, 7630, 7825, 7998, 8660; 13 F. R. 6, 62, 181, 216, 294, 295, 321, 442, 476, 476, 497, 523, 828, 861, 1119, 1627, 1793, 1873, 1929, 1929, 3116, 3117, 3339, 3651, 3673, 4895, 5001.

This amendment shall become effective September 2, 1948.

Issued this 2d day of September 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement to Accompany Amendment 35 to the Rent Regulation for Controlled Rooms in Roominghouses and Other Establishments

It is the judgment of the Housing Expediter that the need for continuing maximum rents in the County of Montgomery, a portion of the Grenada Defense-rental Area in the State of Mississippi, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met, and this amendment is therefore being issued to decontrol said portion of the area in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-7900; Filed, Sept. 2, 1948; 8:46 a. m.]

[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 36]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulations for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is amended in the following respect:

1. Schedule A, item 42A, is amended to describe the counties in the defense-rental area under the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments as follows:

Colorado—Moffat.

This amendment shall become effective September 2, 1948.

Issued this 2d day of September 1948.

TIGHE E. WOODS,
Housing Expediter

Statement to Accompany Amendment 36 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

It is the judgment of the Housing Expediter that the need for continuing maximum rents in the County of Rio Blanco, a portion of the Craig Defense-rental Area, situated in the State of Colorado, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met, and this amendment is therefore being issued to decontrol said portion of the area in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-7901; Filed, Sept. 2, 1948; 8:46 a. m.]

[Controlled Housing Rent Reg.,[1] Amdt. 35]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§ 825.1) is amended in the following respect:

1. Schedule A, Item 165, is amended to describe the counties in the defense-rental area under the Controlled Rent Regulation for Housing as follows:

Mississippi—Grenada.
Mississippi—Leflore.

This amendment shall become effective September 2, 1948.

Issued this 2d day of September 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement to Accompany Amendment 35 to the Controlled Housing Rent Regulation

It is the judgment of the Housing Expediter that the need for continuing maximum rents in the County of Montgomery, a portion of the Grenada Defense-rental Area situated in the State of Mississippi, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met, and this amendment is therefore being issued to decontrol said portion of the area in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-7902; Filed, Sept. 2, 1948; 8:46 a. m.]

[1] 12 F. R. 4331, 5040, 5421, 5454, 5697, 6027, 6687, 6923, 7111, 7630, 7825, 7999, 8660; 13 F. R. 6, 62, 180, 216, 294, 294, 322, 441, 475, 476, 498, 523, 827, 861, 1118, 1628, 1793, 1861, 1927, 1929, 3116, 3116, 3339, 3628, 3673, 4894, 5001.

[Controlled Housing Rent Reg.,[1] Amdt. 36]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§ 825.1) is amended in the following respect:

1. Schedule A, item 42A, is amended to describe the counties in the defense-rental area under the Controlled Housing Rent Regulation as follows:

Colorado—Moffat.

This amendment shall become effective September 2, 1948.

Issued this 2d day of September 1948.

TIGHE E. WOODS,
Housing Expediter.

Statement to Accompany Amendment 36 to the Controlled Housing Rent Regulation

It is the judgment of the Housing Expediter that the need for continuing maximum rents in the County of Rio Blanco, a portion of the Craig Defense-rental Area situated in the State of Colorado, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met, and this amendment is therefore being issued to decontrol said portion of the area in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-7903; Filed, Sept. 2, 1948; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[No. 13523]

PART 132—POWER BRAKES AND DRAW BARS (RAILROAD)

INVESTIGATION OF POWER BRAKES AND APPLIANCES FOR OPERATING POWER BRAKE SYSTEMS

At a session of the Interstate Commerce Commission, Division 3 held at its office in Washington, D. C., on the 27th day of August A. D. 1948.

The Division having under consideration the reports and orders heretofore entered in the above-entitled proceeding (§ 132.3) and good cause appearing therefor:

It is ordered, That the order of September 21, 1945, heretofore entered herein, insofar as it requires respondents to install power brakes and appliances on their cars used in freight service on or before January 1, 1949, be, and it is hereby, amended so as to require respondents to install said power brakes and appliances on their cars used in freight service, as described, which are interchanged between and among respondents, on or before January 1, 1950; and on all their other cars used in freight service, as described, on or before January 1, 1952.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-7847; Filed, Sept. 2, 1948; 9:35 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 802]

FAIR AND REASONABLE WAGE RATES AND PRICES FOR 1949 CROP OF SUGARCANE AND SUGAR BEETS IN CALIFORNIA, PUERTO RICO, VIRGIN ISLANDS, AND HAWAII

NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948 (61 Stat. 922) notice is hereby given that public hearings will be held as follows:

At San Juan, Puerto Rico, in the Auditorium of the School of Tropical Medicine on September 22, 1948, at 9:30 a. m.,

At Christiansted, St. Croix, Virgin Islands, in the Municipal Council Hall on September 27, 1948, at 9:30 a. m.,

At Honolulu, on the Island of Oahu, in the Federal Court Room, Federal Building on October 20, 1948, at 9:30 a. m.,

At Hilo, on the Island of Hawaii, in the Circuit Court Room, Post Office Building on October 22, at 9:30 a. m., and

At Berkeley, California, in the Farm Credit Administration Building on October 27, 1948, at 10:00 a. m.

The purpose of such hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of the said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Puerto Rico, the Virgin Islands, and Hawaii, and sugar beets in California during the calendar or crop year 1949 (1948–49 crop year in Puerto Rico) on farms with respect to which applications for payments under the said act are made, and (2), pursuant to the provisions of section 301 (c) (2) of the said act, fair and reasonable prices for the 1948–49 Puerto Rican and the 1949 Hawaiian and Virgin Islands crops of sugarcane and the 1949 crop of sugar beets in California, to be paid, under either purchase or toll agreements by processors who, as producers, apply for payments under the said act. In the interest of obtaining the best information possible, all interested persons are requested to appear and express their views and present appropriate data in regard to the foregoing matters.

Such hearings, after being called to order at the time and places mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or a different place without notice other than the announcement thereof at the hearings by the presiding officers.

Lawrence Myers, George A. Dice, Ward S. Stevenson, Thomas H. Allen, G. Laguardia, and Will N. King are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 31st day of August 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-7848; Filed, Sept. 2, 1948; 9:17 a. m.]

[7 CFR, Part 941]

HANDLING OF MILK IN CHICAGO, ILL., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED AMENDMENTS TO ORDER, AS AMENDED

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 11 F. R. 7737; 12 F. R. 1159, 4904) notice is hereby given of the filing with the Hearing Clerk of a recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the order, as amended, and to a proposed marketing agreement, regulating the handling of milk in the Chicago, Illinois, milk marketing area.

Interested parties may file written exceptions to the recommended decision with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the decision recommended is based, was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of proposed amendments filed by Homer and Chester Williams, partners doing business as Wern Farms, Waukesha, Wisconsin. The public hearing was held at Chicago, Illinois, June 30, 1948, upon notice issued on June 17, 1948 (13 F R. 3342)

The sole material issue presented on the record was the extent, if any, to which handlers who produce certified milk, and whose sole distribution in the marketing area is certified milk, should be relieved of obligations as a handler under the order with respect to milk not of his own production.

Findings and conclusions. Upon the basis of the evidence adduced at such hearing, it is found and concluded that:

No change should be made in the present order provisions. The proponent is a producer of certified milk with a plant approved for Chicago who receives certified milk from one producer and regular milk from sixteen to twenty other producers, all approved for Chicago distribution. His distribution in the marketing area is confined to certified milk which is also distributed in other areas; regular milk is distributed only outside the marketing area.

The receipt of Chicago approved milk at a plant approved for handling milk to be distributed in Chicago makes the operator of such a plant a handler under the present provisions of the order and requires that producers delivering to such plant be paid the uniform price provided by the order, and that any differences between the value of receipts at the uniform price and the utilization value of receipts at the class prices of the order be equalized through the producer settlement fund. In determining the utilization value at class prices of receipts of milk from other producers, the handler's own production is subtracted pro rata from the various classes in which milk is used in the approved plant.

It was proposed that amendment be made to the order which should relieve handlers who confined their distribution in the marketing area to certified milk from all obligations beyond those of producer-handlers, who merely report as required by the market administrator. In support of such proposal the arguments advanced are: (a) That the health standards for certified milk are rigid, and that regularly approved Chicago milk cannot be distributed as certified milk; (b) That the regularly approved Chicago milk received is such only because Chicago health authorities require approval before it can enter the plant from which certified milk is marketed in Chicago; (c) That the regularly approved milk is distributed as fluid milk only in unregulated markets in competition with milk not priced under the order, and that payment of Chicago class prices for such uses imposes a hardship; and (d) That the volume involved is insignificant in the Chicago market.

From the record and brief of the petitioners it is evident that the principal feature of the present regulation to which they object is the requirement of paying Chicago class prices for milk distributed in outside markets. It was admitted on the record that independent procurement of milk would require payments to producers under present conditions at the Chicago blend price, plus premiums which other Chicago handlers are currently paying producers in the area. In addition there is required under the order payments into the producer settlement fund when class utilization is higher than the average which determines the blend price. Such payments accrue to the benefit of producers generally through the blend price. In recent Chicago hearings, the question of special class prices for Chicago milk used in outside markets has been examined in considerable detail. This proposal would provide that such milk would be unpriced when the handler distributing it engaged in the Chicago marketing area only in a specialized business. With respect to outside sales, this record does not provide a basis for departure from previous decisions that Chicago milk should not be priced for outside sales at less than the regular class prices for sales in the marketing area. To provide that such milk be unpriced is in effect to price it at the blend price, which the record shows would mean less than the regular class prices to the handler in question.

The contention that the non-certified Chicago approved milk received at plants handling certified milk should be treated differently from other Chicago approved milk is based on the fact that such milk is approved only because health authorities require it for protection of the certified milk that reaches the marketing area. Every handler who has a plant approved for Chicago must likewise receive only Chicago approved milk at such plant. If a handler proposes to add out-of-area sales to the Chicago business of his Chicago approved plant, any additional receipts required for the out-of-area business must be Chicago approved milk to comply with health regulations.

While the volume represented here is small compared to the total of the Chicago market, any amendment action to exempt completely from regulation operators of the type in question, would conflict directly with fundamental principles of the Chicago order. Such actions would provide exemptions from price regulation to one handler on Chicago approved milk sold outside the marketing area, and impose it on others. Chicago approved producers delivering to the plant in question would be removed from the protections of the order, and producers in general would fail to benefit from the class usage of Chicago approved milk.

The order should not be amended to exempt handlers who produce and distribute certified milk from regulations under the order with respect to producer milk receipts at an approved plant.

Rulings on proposed findings and conclusions. A brief was filed on behalf of Wern Farms. The brief contains statements of fact, conclusions, and argument with respect to the proposals discussed at the hearing. Every point covered in the brief was carefully considered, along with the evidence in the record, in making the finding, and conclusions hereinbefore set forth. Although the brief does not contain specific requests to make proposed findings, it is assumed that the statements, conclusions, and arguments submitted were for this purpose and are treated accordingly. To the extent that such proposed findings and conclusions are inconsistent with the proposed findings and conclusions contained herein, the implied request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Issued at Washington, D. C., this 30th day of August 1948.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator

[F. R. Doc. 48-7891; Filed, Sept. 2, 1948; 9:17 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR, Ch. I]

[File No. 21-405]

FOUNTAIN PEN AND MECHANICAL PENCIL INDUSTRY

NOTICE OF FURTHER HEARING AND EXTENSION OF TIME WITHIN WHICH TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 31st day of August 1948.

Pursuant to action taken at hearing on the proposed rules held in Washington, D. C., June 30, 1948, further opportunity is extended by the Federal Trade Com-

mission to any and all persons, partnerships, corporations, organizations, or other parties (including consumers) affected by or having an interest in the proposed trade practice rules for the Fountain Pen and Mechanical Pencil Industry to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose, and upon request to the Commission, they may obtain copies of the proposed rules under consideration in the proceeding. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, which shall be filed with the Commission not later than September 23, 1948.

The further opportunity to be heard orally will be afforded at a hearing beginning at 10 a. m. (d. s. t.) September 23, 1948, in the Hotel Pennsylvania, Seventh Avenue and 33d Street, New York, N. Y., to any such persons, partnerships, corporations, organizations, or other parties (including consumers) who desire to appear and be heard. All matters presented orally or in writing will be given due consideration by the Commission.

By the Commission.

[SEAL] WM. P. GLENDENING, Jr.,
Acting Secretary.

[F. R. Doc. 48-7914; Filed, Sept. 2, 1948; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 2, 6, 10, 11, 16]

[Docket Nos. 8658, 8965, 8972, 8973, 8974, 9001, 9018, 9046, 9047]

GENERAL MOBILE RADIO SERVICE ET AL.

ORDER SCHEDULING ORAL ARGUMENT

In the matter of General Mobile Radio Service, Docket No. 8658; allocation of frequencies between 25 and 30 Mc., Docket No. 8965; allocation of frequencies between 44 and 50 Mc., and between 152 and 162 Mc., Docket No. 8972; allocation of frequencies between 72 and 76 Mc., Docket No. 8973; allocation of frequencies in the Band 450–460 Mc., Docket No. 8974; revision of Part 10, "Rules and Regulations Governing Emergency Radio Service" to change the name of this part to "Rules and Regulations Governing Public Safety Radio Services," and to make other changes and amendments, Docket No. 9001, promulgation of New Part 11 of the Commission's rules—Rules Governing Industrial Radio Services, Docket No. 9018; proposed rules and regulations governing domestic public mobile radiotelephone services, Docket No. 9046; promulgation of new Part 16, Rules Governing the Land Transportation Radio Services, Docket No. 9047.

At a session of the Federal Communications Commission held at its offices on the 25th day of August 1948;

The Commission, having before it the records in the above dockets, and requests from various parties to the above-entitled proceedings that the Commission afford them an opportunity to be heard with respect to certain of the issues arising out of the Commission's notices of proposed rule-making in said dockets;

It is ordered, That oral argument in the above proceedings will be heard by the Commission commencing on October 6, 1948, at 10:00 a. m., in Washington, D. C., at a place to be hereafter announced;

It is further ordered, That any interested person may present oral argument herein, on condition that he file with the Commission, no later than September 15, 1948, a written statement in duplicate stating his intention to appear and present oral argument, and also stating the nature of his interest in the proceedings and his best estimate of the time required for his oral argument.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7919; Filed, Sept. 2, 1948; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

[1948 Dept. Circ. 834]

1⅜ PERCENT TREASURY NOTES OF SERIES A–1950

OFFERING OF NOTES

SEPTEMBER 1, 1948.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for notes of the United States, designated 1⅜ percent Treasury Notes of Series A–1950, in exchange for 1½ percent Treasury Notes of Series A–1948, maturing September 15, 1948.

II. *Description of notes.* 1. The notes will be dated September 15, 1948, and will bear interest from that date at the rate of 1⅜ percent per annum, payable on a semiannual basis on April 1 and October 1, 1949, and April 1, 1950. They will mature April 1, 1950, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes shall be subject to all taxes, now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before September 15, 1948, or on later allotment, and may be made only in Treasury Notes of Series A–1948, maturing September 15, 1948, which will be accepted at par, and should accompany the subscription.

V. *General Provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 48-7903; Filed, Sept. 2, 1948; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Designation Order 25]

DESIGNATION OF MOTIONS COMMISSIONER

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of August 1948;

It is ordered, Pursuant to § 1.111 of the Commission's rules and regulations, that Rosel H. Hyde, Commissioner, be, and he is hereby, designated as Motions Commissioner for the month of September, 1948.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7916; Filed, Sept. 2, 1948; 8:48 a. m.]

[Docket Nos. 7748, 8400]

WDZ BROADCASTING CO. AND DROVERS JOURNAL PUBLISHING CO. (WAAF)

NOTICE OF ORAL ARGUMENT

Beginning at ten o'clock a. m., on Monday, October 4, 1948, the Commission will hear oral argument, in Room 6121 of the offices of the Commission, on the following matters in the order indicated:

ARGUMENT NO. 1

Docket No. 7748. B4-P-4671.	WDZ Broadcasting Co. (WDZ), Decatur, Ill.	For construction permit to change transmitter and studio locations.

ARGUMENT NO. 2

Docket No. 8400. B4-P-4796.	Drovers Journal Publishing Co. (WAAF), Chicago, Ill.	For construction permit to change hours and power from daytime to unlimited and 1 kw. to 5 kw. operating on 950 kc.

Dated: August 19, 1948.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7917; Filed, Sept. 2, 1948; 8:48 a. m.]

[Docket Nos. 7950, 7951, 8114]

RADIO ENTERPRISES, INC. (KELD) ET AL.

ORDER REOPENING HEARING ON STATED ISSUES

In re applications of Radio Enterprises, Inc. (KELD) El Dorado, Arkansas, Docket No. 8114, File No. BP-5644; James G. Ulmer and James G. Ulmer, Jr., d/b as East Texas Broadcasting Company (KGKB) Tyler, Texas, Docket No. 7950, File No. BP-4769; Hugh J. Powell (KGGF) Coffeyville, Kansas, Docket No. 7951, File No. BMP-2021, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 25th day of August 1948;

The Commission having under consideration the petition of Radio Enterprises, Inc. (KELD) an applicant in the above-entitled proceedings, requesting that the record in the said proceedings be reopened to permit it to show the non-availability of the transmitter site suggested for it at the said hearing by James G. Ulmer and James G. Ulmer, Jr., d/b as East Texas Broadcasting Company (KGKB) an opposition thereto filed by James G. Ulmer, et al., and the respondent's reply and

It appearing, that the above-entitled applications were heard in a consolidated proceeding and the issues in this hearing permitted the licensee of KGKB to introduce in evidence suggested directional antenna designs other than those specified in the above-entitled applications of KGKB and KELD; that the licensee of KGKB suggested a transmitter site for the alternate directional antenna design for KELD and obtained an option to lease the said property and

It further appearing, that since the close of the record in the above-entitled proceeding power lines have been placed over the said suggested transmitter site; that the presence of these power lines precludes the use of this property by KELD and may also render unusable for a directional operation the transmitter site specified by KELD in its above-entitled application; and that, therefore, on the basis of the present record, a proper determination of the issues in this case cannot now be made; and

It further appearing, that information has come to the Commission's attention which indicates that the daytime interference problems in these proceedings may be more serious than that reflected by the present record; and that it would serve the public interest to hold a further hearing for the purpose of taking additional testimony on the question of the said daytime interference problems; and

It further appearing, that since the close of the record in these proceedings the Commission, on October 14, 1947, granted the application (File No. BAL-612) of Hugh J. Powell for the assignment of license of Station KGGF to The Midwest Broadcasting Company, Inc. and that the said Hugh J. Powell is not associated with the new licensee of the said station;

It is ordered, That the said petition of Radio Enterprises, Inc. be, and it is hereby granted and the record in the above-entitled proceeding be, and it is hereby, reopened for further hearing to be held at a time and place to be determined by subsequent order of the Commission, upon the following issues:

1. To determine the technical, financial, and other qualifications of the applicant corporation, The Midwest Broadcasting Company, Inc., its officers, directors and stockholders to construct and operate station KGGF as proposed.

2. To determine whether the operation of Stations KGGF and KELD as proposed would involve objectionable interference daytime with the operation of Station KGKB as proposed in its above-entitled application and as suggested at the hearing and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the transmitter sites of the proposed and suggested operation of Station KELD would comply with the Commission's Standards of Good Engineering Practice.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7924; Filed, Sept. 2, 1948; 8:50 a. m.]

[Docket Nos. 8813-8817, 8824, 9003, 9146]

BALBOA RADIO CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Balboa Radio Corporation, San Diego, California, Docket No. 8813, File No. BPCT-197; McKinnon Publications, Inc., San Diego, California, Docket No. 8814, File No. BPCT-298; Airfan Radio Corporation, Ltd., San Diego, California, Docket No. 8815, File No. BPCT-313; Leon N. Papernow, William F. Eddy, Richard T. Clarke, Russell R. Rogers, and Charles A. Muehling, d/b as Television Broadcasting Company, San Diego, California, Docket No. 8816, File No. BPCT-314; San Diego Broadcasting Company, San Diego, California, Docket No. 8817, File No. BPCT-318; Video Broadcasting Company (a co-partnership consisting of John A. Masterson, Harold M. Holden, John W Nelson, John F. Reddy, Lester C. Bacon, W F Laughlin, Charles Wesley Turner, J. B. Moser, I. D. Ditmars, Charles B. Brown and H. E. Moser) San Diego, California, Docket No. 8824, File No. BPCT-341, Leland Holzer, San Diego, California, Docket No. 9003, File No. BPCT-480; Charles E. Salik, San Diego, California, Docket No. 9146, File No. BPCT-555; for TV construction permits.

At a session of the Federal Communications Commission held at its offices in

Washington, D. C., on the 25th day of August 1948;

The Commission having under consideration the above-entitled application of Charles E. Salik (File No. BPCT-555) requesting a construction permit for a new TV broadcast station to operate unlimited time on a television channel allocated to the San Diego metropolitan district under § 3.606 of the Commission's rules and regulations; and

It appearing, that on February 26, June 8 and June 16, 1948, the Commission designated the pending applications for television stations at San Diego, California, for hearing in a consolidated proceeding because said applications exceeded in number the television channels allocated to the Sa Diego metropolitan district;

It is ordered, That pursuant to section 309 (a) of the Communications Act, as amended, the above-entitled application of Charles E. Salik (File No. BPCT-555) be, and it is hereby, designated for hearing in a consolidated proceeding with the other pending applications for TV stations at San Diego, California, i. e., File Nos. BPCT-197, BPCT-298, BPCT-313, BPCT-314, BPCT-318, BPCT-341, and BPCT-480, scheduled to begin on September 7, 1948, at San Diego, California, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed station.

4. To determine whether the operation of the proposed station would involve objectionable interference with any other existing television broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other television broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any other pending applications for television broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other television broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules governing television broadcast stations, and its Standards of Good Engineering Practice Concerning Television Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7918; Filed, Sept. 2, 1948; 8:49 a. m.]

KKIN, INC.

PUBLIC NOTICE CONCERNING THE PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on August 10, 1948 there was filed with it an application (BTC-671) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of KKIN, Inc., licensee of station KKIN, from D. O. Kinnie to Lyman Treaster and Albert F. Blain, a partnership. The proposal to transfer control arises out of a contract of July 30, 1948 pursuant to which D. O. Kinnie has agreed to sell 408 shares or 51% of the outstanding stock of the licensee to the partnership of Lyman Treaster and Albert F. Blain for $25,000 of which $15,000 has been deposited in escrow and $10,000 is due within 10 days of Commission consent to the transfer. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on August 24, 1948 that starting on August 12, 1948 notice of the filing of the application would be inserted in The Visalia Times-Delta, a newspaper of general circulation at Visala, California, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from August 12, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7920; Filed, Sept. 2, 1948; 8:49 a. m.]

WYANDOTTE NEWS CO.

PUBLIC NOTICE CONCERNING THE PROPOSED TRANSFER OF CONTROL [1]

The Commission hereby gives notice that on June 2, 1948 there was filed with it an application (BTC-653) for its consent under section 310 (b) of the Communications Act to the proposed transfer of control of Wyandotte News Company, licensee of FM station WJJW, from C. Lee Edwards to Strauss Gantz. The proposal to transfer control arises out of a contract of February 25, 1948 pursuant to which C. Lee Edwards proposes to sell to Strauss Gantz 6,360 shares of $10 par value voting common stock of Wyandotte News Company (66.05% of total stock outstanding) for a total purchase price of $92,220. The sum of $500 has been deposited, $12,006 will be paid on Commission consent to the transfer, seven payments of $10,000 each will be made annually thereafter, and the final payment of $10,214 is due eight years after Commission consent. Of the total purchase price of $92,220 for the 66.05% stock interest, the radio properties and radio investments of Wyandotte News Company have been segregated from the non-radio properties and have been assigned the value of $43,840. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321, which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on August 20, 1948 that starting on August 4, 1948 notice of the filing of the application would be inserted in The Detroit Free Press, a newspaper of general circulation at Detroit, Michigan, in conformity with the above section.

In accordance with the procedure set out in said section, no action will be had upon the application for a period of 60 days from August 4, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7921; Filed, Sept. 2, 1948; 8:49 a. m.]

WHBO

PUBLIC NOTICE CONCERNING THE PROPOSED ASSIGNMENT OF LICENSE [1]

The Commission hereby gives notice that on August 5, 1948, there was filed with it an application (BAL-765) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of station WHBO, Sulphur Springs, Florida, from Harold A. Dunlap and James D. Sinyard, d/b as Sulphur Springs Broadcasters, to Harold A. Dunlap and Harry J. Dunlap, d/b as Sulphur Springs Broadcasters. The proposal to assign the license arises out of a contract of June 7, 1948 pursuant to which James D. Sinyard will sell his 50% partnership interest to Harry J. Dunlap for the sum of $25,000, $2,500 of which has been paid as a binder, and the balance, payable in cash and certain credits, is due upon Commission consent to the proposed assignment of license. Further information as to the arrangements may be found with the application and associated papers

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases, including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on August 20, 1948 that starting on August 5, 1948 notice of the filing of the application would be inserted in The Tampa Daily Times, a newspaper of general circulation at Tampa, Florida, in conformity with the above section.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from August 5, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7922; Filed, Sept. 2, 1948; 8:49 a. m.]

WHKP

PUBLIC NOTICE CONCERNING THE PROPOSED ASSIGNMENTS OF LICENSE [1]

The Commission hereby gives notice that on July 20, 1948 there was filed with it an application (BAL-767) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of station WHKP from Monroe M. Redden and W A. Egerton, d/b as Redege Broadcasting Company, to Radio Hendersonville, Inc. The proposal to assign the license arises out of a series of agreements pursuant to which Radio Hendersonville, Inc. and its stockholders will pay or have paid Monroe M. Redden, W. A. Egerton, L. B. Prince and R. L. Whitmire the total sum of $18,825 and have assumed or underwritten obligations of the station in the approximate amount of $21,000. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases, including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant that starting on July 22, 1948 notice of the filing of the application would be inserted in The Hendersonville Times News, a newspaper of general circulation at Hendersonville, North Carolina, in conformity with the above section.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from July 22, 1948, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b) 48 Stat. 1086; 47 U. S. C. A. 310 (b))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7923; Filed, Sept. 2, 1948; 8:50 a. m.]

[1] Section 1.321, Part 1, Rules of Practice and Procedure.

CHECK LIST OF RULES AND REGULATIONS AS OF AUGUST 9, 1948

AUGUST 10, 1948.

Listed below is identification of the composition of the rules and regulations of the Federal Communications Commission to provide a means for individuals possessing books of the Commission's rules and regulations to check for the completeness thereof. This list brings the rules up to date as of August 9, 1948. All rules and regulations here listed are on sale at the Office of the Superintendent of Documents, Washington, D. C., with the exception of those parts opposite which there is placed an asterisk. Copies of those parts opposite which there is an asterik may be obtained from the Federal Communications Commission on request. Amendments to all parts of the rules and regulations here listed may be secured from the Federal Communications Commission on request. (Note that all persons who obtain parts of these rules and regulations from the FCC, or who purchase those parts on sale at the Office of the Superintendent of Documents, who desire amendments to these parts, must fill out and return to the Commission one copy of #86780 (distributed with each part of the rules and regulations) for each part concerning which they desire to receive amendments.)

Part No.	Edition	Amendments outstanding to this edition
1	Edition revised to Feb. 20, 1947	Nos. 1-1 through 1-37 (note that 1-11 is superseded by 1-14).
2	Edition revised to June 1, 1946	Nos. 2-1 through 2-3.
3	Edition revised to Jan. 16, 1948	Nos. 3-1 through 3-8 (note that 3-3 has expired by its own terms).
*4	Edition effective Sept. 10, 1946 (mimeograph No. 97640).	Nos. 338 and 360.
5	Edition revised to Jan. 16, 1948	Nos. 5-1 and 5-2.
6	Edition revised to Feb. 18, 1947	Nos. 6-1 and 6-2.
*7	Edition revised to Apr. 5, 1941	Nos. 77, 90, 116, 127, 198, 233, 279, 316, 340.
	or	
	Edition revised to Sept. 30, 1945	Nos. 316 and 340.
8	Edition revised to May 31, 1943	Correction sheet No. 12 and Nos. 184, 222, 231, 234, 247, 248, 252, 268, 280, 308, 317, 322, 343, 356, 358, 362, 369, 371, 377, 381, 384.
9	Edition revised to July 1, 1947	Nos. 9-2 through 9-5.
*10	Edition revised to Feb. 6, 1946	Nos. 309, 341, 347, 378.
	or	
	Edition revised to Oct. 16, 1944	Nos. 273, 290, 309, 341, 347, 378.
11	Edition effective Jan. 1, 1939	Nos. 128, 201, 291, 342, 348, 350, 379.
12	Edition revised to May 9, 1946	Nos. 12-3, 12-8, 12-13, 12-16, 12-17, 12-18, 12-19, 12-20 12-21, 12-22, 12-23, 12-24, 12-25 (Nos. 12-1, 12-2, 12-4, 12-5, 12-6, 12-7, 12-8, 12-10, 12-11, 12-12, 12-14, 12-15 superseded).
13	Edition revised to Jan. 30, 1948	Nos. 13-2 through 13-5.
14	Revised to Apr. 2, 1942	Nos. 332, 380, 382.
	or	
	Effective Dec. 5, 1938	Nos. 118, 332, 380, 382.
15	Recodified July 21, 1948 (set forth as Amendment 15-1).	No. 15-1.
16	Revised to Sept. 1, 1947	Nos. 16-4, 16-5.
*17	Effective Sept. 12, 1946 (mimeograph No. 97733).	Nos. 17-1 through 17-6 (note that 17-2 is superseded by 17-4).
18	Revised to Apr. 30, 1948	No. 18-5.
*19	Effective Dec. 1, 1947 (mimeograph No. 12099).	No amendments outstanding.
31-32	Revised to Aug. 1, 1946 (note: includes "Standard Practices" and "Telephone Accounting Bulletin No. 1" as appendices).	Nos. 31-1, 31-2, 32-1.
33	Effective Jan. 1, 1939	Nos. 130, 217, 238, 383.
34	Effective Jan. 1, 1940	Nos. 218, 239, and 318.
35	Revised to Aug. 1, 1947	No amendments outstanding.
41	Revised to Dec. 4, 1947	Do.
42	Revised to May 27, 1943	Nos. 257 and 302.
*43	Entire part as revised to July 21, 1948, set forth in Amendment 337.	No. 337.
51	Effective July 25, 1944	No amendments outstanding.
52	Effective July 11, 1944	Do.
61	Revised to Aug. 1, 1946	Do.
62	Revised to May 23, 1944	Do.
*63	Revised to Dec. 30, 1946	No. 63-1.
*64	Revised to Sept. 19, 1946 (No. 99366)	Nos. 64-1 and 64-2.
*65	Effective July 5, 1944	No. 277.
	or	
	Revised to Sept. 4, 1945	No amendments outstanding.
Standards of Good Engineering Practice—Standard Broadcast, edition revised to Oct. 30, 1947.		Nos. SGEP-AM-1, SGEP-AM-2.
Standards of Good Engineering Practice—FM, edition revised to Jan. 9, 1946.		Nos. 307, 336, 363, 364, 367, 385.
Standards of Good Engineering Practice—Television, edition effective Dec. 19, 1945.		No amendments outstanding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 48-7915; Filed, Sept. 2, 1948; 9:18 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–1041, G–1046, G–1049, G–1050, G–1101, G–1107, G–1108]

COUNCIL BLUFFS GAS CO. ET AL.

ORDER INSTITUTING INVESTIGATION AND FIXING DATE OF HEARING

AUGUST 25, 1948.

Council Bluffs Gas Company, Docket No. G–1107; Central Electric & Gas Company, Docket No. G–1041, Minnesota Valley Natural Gas Company, Docket No. G–1046; Minneapolis Gas Light Company, Docket No. G–1049; Hastings Gas Company, Docket No. G–1050; Iowa-Illinois Gas and Electric Company, v. Northern Natural Gas Company, Docket No. G–1101.

In the matter of Northern Natural Gas Company, Docket No. G–1108.

It appears to the Commission that:

(a) Northern Natural Gas Company ("Northern") a "natural-gas company" within the meaning of the Natural Gas Act, on March 3, 1948, transmitted to each of the gas distribution companies served from its pipe-line system a proposed plan for allocating additional capacity which would become available by reason of the construction and operation of new facilities. Northern, at the time, proposed to increase the capacity from 390,000 Mcf to 420,000 Mcf per day. The proposed plan of allocation, allegedly in accordance with the provisions of Paragraph (12–D) [1] of Rate Schedule G–1 of Northern's FPC Gas Schedules Volume No. 2, was to be utilized in establishing the Contract Demand of each customer commencing November 1948.

(b) Subsequently, complaints were filed with the Commission by Council Bluffs Gas Company on April 26, 1948, Docket No. G–1107 (formerly designated IN–589) Central Electric & Gas Company, on April 27, 1948, Docket No. G–1041, Minnesota Valley Natural Gas Company, on May 3, 1948, Docket No. G–1046; and Hastings Gas Company, on May 17, 1948, Docket No. G–1050, alleging, among other things and for the reasons stated in such complaints, that the proposed method of allocation set forth in Northern's letter of March 3, 1948, was unfair, discriminatory and inequitable.

(c) On May 17, 1948, Minneapolis Gas Light Company, Docket No. G–1049, filed with the Commission a complaint alleging that Northern's contemplated retention of certain volumes of natural gas as a "cushion" under its proposed method of allocation was unreasonable and unnecessary. Thereafter, however, Minneapolis Gas Light Company, by letter of June 16, 1948, advised the Commission that it had received from Northern a letter dated June 9, 1948, proposing a "new method of allocation" applicable to the increase in capacity from 390,000 Mcf to 425,000 Mcf per day,[2] and Minneapolis Gas Light Company suggested that its "complaint be held in abeyance pending final disposition of the matter." To date, however, Minneapolis Gas Light Company has taken no action to withdraw its complaint.

(d) On June 21, 1948, Northern filed with the Commission its several answers to the complaints in Docket Nos. G–1107, G–1041, G–1046, G–1049 and G–1050 with Exhibit A thereto. Exhibit A, made a part of Northern's answer, is a letter dated June 9, 1948, with nine pages of tabulation and information attached thereto, and is stated in Northern's answer to be "a proposed method of apportionment of limited increases in Contract Demands under said paragraph (12–d) of its Schedules, which method is an alternative to that proposed in said letter of March 3, 1948" which proposal of March 3, 1948, had been the subject of the complaints thereafter filed.

(e) After the revised proposed method of allocation had been transmitted to each of Northern's customers on June 18, 1948, protests against such revised plan were received from Central Electric & Gas Company, Minnesota Valley Natural Gas Company (IN–606) and Hastings Gas Company; and a supplemental complaint was filed by Central Electric & Gas Company on August 11, 1948, in Docket No. G–1041 and an original complaint was filed by Iowa-Illinois Gas and Electric Company on August 16, 1948, Docket No. G–1101 concerning the revised proposed method of allocation. Answers to such supplemental complaint and original complaint have not as yet been filed by Northern.[3]

(f) On July 15, 1948, Northern forwarded to each of its customer companies new town border contracts embodying Contract Demands as set forth in the revised proposed method of allocation as contained in Exhibit A (letter of June 9, 1948, and attachments thereto) to its several answers, hereinbefore referred to, filed with the Commission on June 21, 1948.

(g) By letter of August 13, 1948, Northern advised the Commission that as of the date of its letter that it had received executed copies of the new town border contracts from the following of its customer companies:

Central States Electric Company.
Interstate Power Company.
Iowa Electric Company.
Iowa Electric Light & Power Company.
Iowa Public Service Company.
Kansas Power & Light Company.
Minneapolis Gas Light Company.
Metropolitan Utilities District.
Nebraska Public Service Company.
Northern States Power Company.
Northwestern Light & Power Company.
Owatonna Municipal Utilities.
Pender, Nebraska (Village of).
Peoples Natural Gas Company.
Sioux City Gas & Electric Company.
South Dakota Public Service Company.
Yankton Gas Company.

And, as of the same date, the following customer companies had not returned the new town border contracts:

Austin Municipal Utilities.
Central Electric & Gas Company.
Central Natural Gas Company.
Council Bluffs Gas Company.
Elkhorn Valley Gas Company.
Hastings Gas Company.
Iowa-Illinois Gas & Electric Company.
Iowa Power & Light Company.
Minnesota Natural Gas Company.
Minnesota Valley Natural Gas Company.
Nebraska Natural Gas Company.
New Ulm Municipal Utilities.
Peoples Gas & Electric Company.
Perry Gas Company.
Western States Utilities Company.

Wherefore, in view of the foregoing, the Commission finds that: It is appropriate and desirable that a hearing be held:

(1) With respect to the issues raised by the several complaints and answers thereto in the above-docketed matters; and

(2) For the purpose of determining:

(i) Whether either of the methods of allocating additional increased capacity as proposed by Northern in its letters of March 3, 1948 and June 18, 1948, to its customer companies, is in accordance with the provisions of paragraph (12–d) of Rate Schedule G–1 of Northern's FPC Gas Schedules Volume 2.

(ii) Whether the new town border contracts proposed by Northern affecting a rate schedule on file with the Commission are unjust, unreasonable, unduly discriminatory, or preferential;

(iii) Whether the Commission should, in lieu of such new town border contracts, prescribe other terms and conditions respecting the apportionment of limited increases in Contract Demands; and

(iv) Whether the provisions of paragraph (12–d) of Rate Schedule G–1 of Northern's FPC Gas Schedules Volume 2, (and any other provisions of such schedules affected thereby) should be modified so as to embody specific terms and conditions with respect to the apportionment of limited increases in Contract Demand.

The Commission orders that:

(A) A public hearing be held commencing on September 28, 1948, at 10:00 a. m. in Omaha, Nebraska, at a place to be hereafter designated by further order of the Commission.

(B) Any person, other than the Complainants and Defendant, desiring to participate in such proceedings shall file with the Commission a petition for intervention on or before September 10, 1948.

(C) Any person desiring to submit any suggested revision of Northern's proposed methods of apportionment of lim-

[1] Paragraph (12–4) of Rate Schedule G–1 of Northern's FPC Gas Schedules Volume No. 2 provides as follows:

"Apportionment of Limited Increases in Contract Demand: Whenever the total requests of all Gas Utilities for increased Contract Demands exceed the pipe line capacity or gas supply Northern considers can be made available, the additional capacity will be apportioned among all Gas Utilities on an equitable basis. Such limited allocation shall give precedence to the requirements of the Gas Utility for residential and small volume commercial and industrial consumers."

[2] On April 21, 1948, the Commission issued an order in Docket No. G–998 authorizing the installation of facilities designed to increase the capacity of Northern's system from 390,000 Mcf to 420,000 Mcf per day; and on July 14, 1948, in Docket No. G–1034, an order was issued authorizing changes in Northern's facilities designed to increase capacity of the system to 425,000 Mcf per day.

[3] Northern's answer to the supplemental complaint of Central Electric & Gas Company, Docket No. G–1041, is to be filed on or before September 1, 1948; and the answer to the original complaint of Iowa-Illinois Gas and Electric Company, Docket No. G–1101, is to be filed on or before September 3, 1948.

ited increases in contract demand as embodied in Northern's letters and attachments thereto of March 3, and June 18, 1948, shall file such suggested revision and data in support thereof with the Commission on or before September 10, 1948.

(D) Interested State commissions may participate in the proceedings in accordance with §§ 1.8 and 1.37 of the rules of practice and procedure.

Date of issuance: August 31, 1948.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 48-7898; Filed, Sept. 2, 1948; 8:58 a. m.]

[Docket Nos. G-1051, 1079]

EL PASO NATURAL GAS CO. ET AL.

ORDER FIXING DATE FOR ORAL ARGUMENT

AUGUST 27, 1948.

In the matters of El Paso Natural Gas Company and Southern California Gas Company, Docket No. G-1051, Southern Counties Gas Company of California, Docket No. G-1079.

It appearing to the Commission that: Counsel for the parties and staff counsel having concurred in the request for waiver of the intermediate decision procedure in the above-docketed proceedings in accordance with § 1.30 (c) of the Commission's rules of practice and procedure, and having requested the opportunity for presenting oral argument before the Commission and for filing proposed findings and conclusions with supporting reasons therefor;

The Commission orders that: Proposed findings and conclusions with supporting reasons therefor be filed on or before the date herein fixed for oral argument, and oral argument be had before the Commission on September 1, 1948, at 10:00 a. m. (e. d. s. t.) in Conference Room C of the Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, N. W., Washington, D. C.

Date of issuance: August 30, 1948.

By the Commission.

[SEAL] J. H. GUTHRIE, *Acting Secretary.*

[F. R. Doc. 48-7886; Filed, Sept. 2, 1948; 9:02 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1912]

IOWA POWER AND LIGHT CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of August A. D. 1948.

Iowa Power and Light Company ("Iowa") a public utility subsidiary of Continental Gas & Electric Corporation, a registered holding company subsidiary of The United Light and Railways Company, having filed an application, pursuant to sections 9 and 10 of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder, with respect to the following transactions:

Iowa proposes to purchase from available treasury cash certain assets of Central States Electric Company ("Central States") a non-affiliate, located in Marion, Monroe and Mahaska Counties in the State of Iowa, for a consideration of $102,500 cash. The assets to be acquired consist of electric transmission lines and urban and rural distribution facilities, together with the appurtenant real property, franchises, leaseholds and contract rights. The application states that the facilities to be acquired are some distance from and not interconnected with the other facilities of Central States and are substantially surrounded by and are contiguous to the service area of Iowa. It is further stated that, upon the completion, on or about October 15, 1948, of a four-mile transmission line now under construction, the assets to be acquired will integrate and be physically interconnected with the facilities of Iowa. It is also stated that Iowa and Central States, under date of June 30, 1948, entered into a contract for the sale and purchase of the facilities and that since July 1, 1948 Iowa has been in possession of and operating such facilities; and

Said application having been filed on August 2, 1948, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The application having represented that no regulatory authority other than this Commission has jurisdiction over the proposed acquisition and sale of assets; and

Applicant having requested that the Commission enter its order granting said application on or before August 30, 1948, and that said order become effective upon its issuance; and

The Commission finding that the proposed acquisition of utility assets will have the tendency required by section 10 (c) (2) of the act, and that the requirements of the other applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied, and observing no basis for adverse findings thereunder; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application and the request for acceleration of the effectiveness of the Commission's order be granted without prejudice, however, to the jurisdiction of any other regulatory agency with respect to the accounts of Iowa, and subject to the jurisdiction heretofore reserved by order entered August 5, 1941, with respect to what action The United Light and Railways Company, Continental Gas & Electric Corporation and their subsidiaries shall take to comply with the standards of sections 11 (b) (1) and 11 (b) (2) of the act:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions prescribed in Rule U-24, that the application be, and hereby is, granted and become effective forthwith, upon the condition that the utility assets to be acquired may be retained by Iowa only if they are interconnected with the electric utility system of Iowa not later than October 15, 1948, and subject to the jurisdiction reserved in the Commission's order of August 5, 1941 with respect to what action The United Light and Railways Company, Continental Gas & Electric Corporation and their subsidiaries shall take to comply with the standards of sections 11 (b) (1) and 11 (b) (2) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7887; Filed, Sept. 2, 1948; 9:02 a. m.]

[File No. 70-1932]

UNITED PUBLIC SERVICE CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of August A. D. 1948.

Notice is hereby given that United Public Service Corporation ("United"), a registered holding company and a subsidiary of The Middle West Corporation, also a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"). The application-declaration designates section 12 (c) of the act and Rule U-46 of the General rules and regulations promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 9, 1948, at 5:30 p. m., e. d. s. t., request in writing that a hearing be held with respect to said application-declaration, stating the nature of his interest, the reason for such request and the issues of fact or law raised by the application which he desires to controvert, or may request in writing that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, N. W., Washington 25, D. C. At any time after September 9, 1948, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration on file in the office of the Commission for a statement of the proposed transactions, which may be summarized as follows:

United proposes to make two cash distributions to the holders of its capital stock as part of the process of its complete liquidation from funds to be re-

ceived from cash liquidating dividends to be paid by United Public Utilities Corporation ("UPU"). The Commission has approved proposals by UPU providing, among other things, for cash distributions of $5 and $4 per share to the holders of the common stock of UPU. When the $5 per share distribution by UPU is consummated, United, the holder of 148,055 shares (39.98%) of the common stock of UPU, will receive cash in the amount of $740,275. Thereupon, United proposes to distribute in cash $2.42 per share or an aggregate of $749,501 to the holders of its outstanding capital stock. When the $4 per share distribution by UPU is made, United will receive cash in the amount of $592,220. Upon receipt of such cash, United proposes to make an additional cash distribution of $1.93 per share or an aggregate of $590,564 to the holders of its outstanding capital stock.

The application-declaration states that the proposed distributions are subject to the action of the stockholders of United authorizing the dissolution of the corporation. The application-declaration further states that the only remaining asset of United, other than cash, is its investment in the common stock of UPU and that the amounts to be received by United as cash dividends on its holdings of the common stock of UPU are not required for the conduct of United's business.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-7889; Filed, Sept. 2, 1948; 9:02 a. m.]

[File No. 70-1933]

MADISON GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of August A. D. 1948.

Notice is hereby given that an application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Madison Gas and Electric Company ("Madison") a public utility subsidiary of American Light & Traction Company ("American Light") a registered holding company. Applicant designates section 6 (b) of the act and Rule U-50 (a) (2) promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 9, 1948 at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held with respect to said application stating the nature of his interest, the reasons for such request and the issues of fact and law raised by said application which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

At any time after September 9, 1948, said application may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Madison proposes to enter into a Credit Agreement, which will expire eighteen months from date of execution, with Harris Trust and Savings Bank, Chicago, Illinois, and First Wisconsin National Bank of Milwaukee, Wisconsin ("the Banks") The Credit Agreement will commit the Banks to advance to Madison a maximum of $2,000,000 at an interest rate of 2¼% per annum. All notes issued by Madison will mature eighteen months from the date of execution of the Credit Agreement. The Credit Agreement provides that a quarterly commitment fee of one-half of one per cent per annum, based upon the average daily unused balance of the commitment computed for the preceding quarter period, will be paid to the Banks. Madison will have the right to reduce the commitment of the Banks at any time with a proportionate reduction of the commitment fee, and may prepay the notes at any time without penalty.

The application states that Madison requires funds to finance the construction of additional facilities urgently needed in the operation of its business. It is also stated that the $2,000,000 to be borrowed under the proposed Credit Agreement should enable Madison to finance its construction program until the fall of 1949. In the interim Madison expects to conclude a permanent financing program which will involve the repayment of its bank borrowings and the raising of such additional funds as may be appropriate to complete its construction program through 1950.

It is stated that the Public Service Commission of Wisconsin has jurisdiction over the proposed transactions and that an application was filed with that Commission on August 20, 1948.

Applicant requests that the Commission's order with respect to the proposed transactions become effective immediately upon issuance thereof and that such order issue not later than September 14, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-7888; Filed, Sept. 2, 1948; 9:02 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9783, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11507]

CARL RUHSTRAT

In re: Trust under will of Carl Ruhstrat, deceased. File No. D-28-8095-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emma Ruhstrat, Lina Ruhstrat, Elisabeth Bottcher, Eva Bottcher, Inge Bottcher, Ina Matthiessen, Heinz Matthiessen, Kurt Matthiessen, Maria Hanssen, Adolf Ernst Hanssen, Ramon Hanssen, Elisabeth Boedeker, Emmi Boedecker, Erna Hofmann, Ehrengard Hofmann Hensel, Sigrid Hofmann, Jurgen Hofmann, Hanna Horschik, Hanna Horschik, Josef Horschik, Walter Horschik, Konrad Horschik, August Ruhstrat, Hedwig Ruhstrat, and Annamarei Ruhstrat, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the heirs at law, next of kin, legatees and distributees, names unknown, of Emma Ruhstrat; the heirs at law, next of kin, legatees and distributees, names unknown, of Lina Ruhstrat; the heirs at law, next of kin, legatees and distributees, names unknown, of Elisabeth Boedeker; and the heirs at law, next of kin, legatees and distributees, names unknown, of Emmi Boedeker, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under paragraph Fourth of the will of Carl Ruhstrat, deceased, and presently being administered by the Safe Deposit and Trust Company of Baltimore, Baltimore, Maryland as trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the heirs at law, next of kin, legatees and distributees, names unknown, of Emma Ruhstrat; the heirs of law, next of kin, legatees and distributees, names unknown, of Lina Ruhstrat; the heirs at law, next of kin, legatees and distributees, names unknown, of Elisabeth Boedeker; and the heirs at law, next of kin, legatees and distributees, names known, of Emmi Boedeker are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-7925; Filed, Sept. 2, 1948; 8:51 a. m.]

[Vesting Order 11513]

GEORGE SEYBERTH

In re: Trust u/w of George Seyberth, deceased. File D-28-11473; E. T. Sec. 15,700.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Brechtel, John Keilholz and Ferdinand Lohr, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Trust u/w of George Seyberth, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Mrs. Louise Seyberth and Miss Emma Seyberth, as trustees, acting under the judicial supervision of the County Court of the State of Wisconsin, in and for the County of Eau Claire;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-7926; Filed, Sept. 2, 1948; 8:51 a. m.]

[Vesting Order 11516]

HEDWIG E. TROX

In re: Estate of Hedwig E. Trox, deceased. File No. D-28-3529; E. T. sec. 5654.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Emilie Kuhner, Wilhelm Gerbig, Ludwig Gerbig, Albert Gerbig, Ida Abschutz, Else Pfestorf, Alfred Gerbig, Rudi Gerbig, Renate Gerbig, Kurt Gerbig, Heinz Jurgens, Christa Gerbig, Wilhelm Gerbig, Franz Gerbig, Fritz Gerbig, Jenny Saft, Helene Jacobs, Frieda Sonnekalb, Franz Gerbig, Robert Hoffman, Ernest Hoffman, Friedrick Trox, Karl Trox, Johanna Kotzick, a/k/a Johanna Kosick, Herman Strunk, Karl Strunk, Hedwig Schultz, August Lohr, and Hermine Weber, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Emil Gerbig, deceased, of Alfred Gerbig, of Kurt Gerbig, of Robert Gerbig, and of Albert Gerbig, deceased, and each of them, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Hedwig E. Trox, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by Victor J. Kehrer, Executor, acting under the judicial supervision of the Probate Court of Belmont County, Ohio;

and it is hereby determined:

5. That to the extent that the persons named in sub-paragraph 1 hereof and the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Emil Gerbig, deceased, of Alfred Gerbig, of Kurt Gerbig, of Robert Gerbig, and of Albert Gerbig, deceased, and each of them, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 25, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7927; Filed, Sept. 2, 1948; 8:51 a. m.]

[Vesting Order 11586]

BERTHA SCHULENBERG

In re: Estate of Bertha Schulenberg, deceased. File D-28-12341. E. T. 16554.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hugo Schnoor, Martin Schnoor, and Meta Telle, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Bertha Schulenberg, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Gottfried Schnoor, R. R. #1, Mason City, Illinois, Administrator, acting under the judicial supervision of the County Court, Mason County, Havana, Illinois,

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 2, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-7928; Filed, Sept. 2, 1948; 8:51 a. m.]

[Vesting. Order 11803]

TOBIS FILMKUNST, G. M. B. H. ET AL.

In re: Motion picture film and copyright interests therein owned by Tobis Filmkunst G. m. b. H. and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons (including individuals, partnerships, associations, corporations or other business organizations) whose names and last known addresses are set forth in Column 3 of Exhibit A attached hereto and made a part hereof, are residents of, or are organized under the laws of, or have their principal places of business in, Germany and are nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of whatsoever kind or nature, under the statutory and common law of the United States and of the several States thereof, of the persons referred to in Column 3 of said Exhibit A, and also of all other persons (including individuals, partnerships, associations, corporations or other business organizations) whether or not named elsewhere in this Order including said Exhibit A, who are residents of, or which are organized under the laws of or have their principal places of business in, Germany or Japan, and are nationals of such designated enemy countries, in, to and under the following:

a. The motion picture films whose titles are set forth in Column 2 of said Exhibit A,

b. The copyrights, if any, described in said Exhibit A,

c. Every copyright, claim of copyright and right to copyright in the works described in said Exhibit A and in every issue, edition, publication, republication, translation, arrangement, dramatization, adaptation, version and revision thereof, in whole or in part, of whatsoever kind or nature, and of all other works designated by the titles therein set forth, whether or not filed with the Register of Copyrights or otherwise asserted, and whether or not specifically designated by copyright number,

d. Every license, agreement, privilege, power and right of whatsoever nature arising under or with respect to the foregoing,

e. All monies and amounts, and all rights to receive monies and amounts, by way of royalty, share of profits or other emolument, accrued or to accrue, whether arising pursuant to law, contract or otherwise, with respect to the foregoing,

f. All rights of renewal, reversion or revesting, if any, in the foregoing, and

g. All causes of action accrued or to accrue at law or in equity with respect to the foregoing, including but not limited to the rights to sue for and recover all damages and profits and to request and receive the benefits of all remedies provided by common law or statute for the infringement of any copyright or the violation of any right or the breach of any obligation described in or affecting the foregoing,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany) and is property payable or held with respect to copyrights or rights related thereto in which interests are held by, and such property itself constitutes interests therein held by, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons referred to in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 9, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Copyright numbers	Column 2 Title of works	Column 3 Names and last known addresses of owners
Unknown	Das Bad auf der Tenne	Tobis Filmkunst G. m. b. H., Berlin, Germany (nationality, German).
Do	Der Ball	Vandal and Charles Delac Tonfilm-Produktions G. m. b. H., Berlin, Germany (nationality, German).
Do	Melosis	Reichsanstalt für Film und Bild in Wissenschaft und Unterricht, Berlin, Germany (nationality, German) and Mikrolaboratorium der Firma Carl Zeiss, Jena, Germany (nationality, German).

[F. R. Doc. 48-7929; Filed, Sept. 2, 1948; 8:51 a. m.]

[Vesting Order 11873]

PAUL GERLACH

In re: Stock owned by Paul Gerlach. F-28-26959-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Gerlach, whose last known address is Dotzllemerstr (96) Weisbaden, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows: Seventy-five (75) shares of no par value Class A common capital stock of Arkansas Natural Gas Corporation, Slattery Bldg., Shreveport, Louisiana, evidenced by a certificate numbered TNY080173, registered in the name of Paul Gerlach, Dotzllemerstr (96) Weisbaden, Germany, together with all declared and unpaid dividends thereon.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-7930; Filed, Sept. 2, 1948; 8:51 a. m.]

[Vesting Order 10636, Amdt.]

HERMAN H. WILLER

In re: Estate of Herman H. Willer, deceased. File No. D-28-11762; E. T. sec. 15967.

Vesting Order 10636, dated February 5, 1945 is hereby amended as follows and not otherwise:

By deleting subparagraph 4 of said Vesting Order 10636 and substituting therefor the following:

4. That the property described as follows: Lot 1 in George Lovrik's Sub-Division of a Part of the NW¼ of Section 30 in Township 6 South, Range 2 East of the Third P M. in Franklin County, Illinois, except mineral rights, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany)

All other provisions of said Vesting Order 10636 and all action taken on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 9, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-7934; Filed, Sept. 2, 1948; 8:52 a. m.]

[Vesting Order 11836]

MATILDA KORN

In re: Estate of Matilda Korn, deceased. File D-28-12382; E. T. sec. 16602.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Matilda K. Hermann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Matilda Korn, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by Paul Korn of 6499 Pierson Road, Flint, Michigan, as Executor, acting under the judicial supervision of the Probate Court of County of Genesee, Michigan;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 18, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-7931; Filed, Sept. 2, 1948; 8:51 a. m.]

[Vesting Order 11887]

HEDWIG SUHR ET AL.

In re: Stock owned by Hedwig Suhr, Emma Kempe, Martha Markert and Karl Markert, and the personal representatives, heirs, next of kin, legatees and distributees of Otto Suhr, deceased. F-28-1905-D-1, A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Suhr, Emma Kempe, Martha Markert and Karl Markert, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the personal representatives, heirs, next of kin, legatees and distributees of Otto Suhr, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That the property described as follows: Three hundred (300) shares of $25.00 par value preferred capital stock of United Shoe Machinery Corporation, 140 Federal Street, Boston, Massachusetts, a corporation organized under the laws of the State of New Jersey, evidenced by certificates numbers A7839, A7840 and A7841 for one hundred (100) shares each, registered in the name of Egger & Co., and presently in the custody of The Chase National Bank of the City of New York, 11 Broad Street, New York, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Hedwig Suhr, Emma Kempe, Martha Markert and Karl Markert, and the personal representatives, heirs, next of kin, legatees and distributees of Otto Suhr, deceased, the aforesaid nationals of a designated enemy country (Germany),

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the personal representatives, heirs, next of kin, legatees and distributees of Otto Suhr, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany),

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 20, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-7933; Filed, Sept. 2, 1948; 8:52 a. m.]